

IBJ provides essential legal services in Zimbabwe

Changing the legal landscape through rights awareness campaigns, training sessions, and roundtables

Our relations with the Law Society of Zimbabwe have developed very well and we have collaborated with them in implementing training sessions



IBJ Zimbabwe Fellows, Innocent Maja and John Burombo, host a Roundtable Discussion in Harare

IBJ has proved to be an essential player in the criminal justice system in Zimbabwe. With support from the City of Geneva in 2014, IBJ Zimbabwe continued its efforts to represent the indigent accused. Assisting as many detainees as possible, IBJ's hard work has ensured that the 80 percent bail success rate we have had since 2010 is maintained.

In 2014, IBJ lawyers represented over 100 new cases primarily from Harare and Chitungwiza. It is of note that out of the 96 cases seen to conclusion, 23 were dropped after IBJ's involvement.

Thanks to IBJ's continual efforts to cultivate positive relationships with the prison authorities, we are pleased to report there have been no obstacles for our lawyers in gaining access to prison popu-

lations in 2013 and 2014. Soberingly, IBJ has observed a torture rate of 35 percent in the cases it has taken on. The real rate of torture may be even higher. This serves to highlight the need for IBJ Zimbabwe to maintain its efforts to represent the indigent accused. Due to IBJ's intervention, 23 percent of cases are dismissed or dropped due to lack of evidence and a further 16 percent are acquitted. This indicates that a total of 39 percent of all criminal charges were brought against innocent people.

Two capacity building training sessions for legal professionals were organized by IBJ and held in collaboration with the Law Society of Zimbabwe. The events drew 80 participants at sessions in Harare and Bulawayo in September 2014. These

sessions were facilitated by respected senior legal counsel in the country and focused on the rules of practice governing lawyers' work, pre-trial procedures, effective pre-trial preparation, cross-examination, legal interpretation, closing submissions, and legal drafting. The training sessions also focused on building networks between lawyers. Participants agreed to mutually support each other to provide these valuable legal services to the most vulnerable in Zimbabwe society.

Rights awareness campaigns are an important tool for IBJ and are conducted not only in prisons, but also on radio. The Wheels of Justice program on Zimbabwe Radio Corporation's SFM radio station interviewed IBJ lawyers on two occasions. These programs highlighted the constitutional rights available to an accused person concerning liberty, arrest and detention, human dignity, torture, the right to a fair trial and children. They also touched on proposed legal and institutional reforms to improve delivery of justice. These included the alignment of the existing laws with the new constitution, the improvement of the case management system in courts, improving access to state legal aid services and the contentious issue

JUSTICE FACTS:

Zimbabwe

Rule of Law (Percentile Rank):

2

2014 Prison Population:

17,484

135 per 100,000

of the moratorium on the death penalty. Approximately 500,000 people listened to the program during each broadcast, representing eight percent of Zimbabwe's population.

Two justice roundtable events were held in Harare in August and September 2014. The first discussion focused on whether there was a need to promote legal reform in Zimbabwe, particularly in line with the advent of the new Constitution that came into effect in May 2013. The participants agreed that there are many areas in need of reform. These include reform of legal processes and procedures, administration at the courts, conditions in prisons, and the on-going legal training of court staff. Participants also debated the need for institutional reforms to ensure implementation and compliance of laws and procedures in alignment with existing laws and the codification of crimes in the new constitution, as well as drafting comprehensive rules of procedure for the Constitutional Court.

The second roundtable discussion included participants from the Law Society of

Zimbabwe and focused on the difficult issue of corruption in the Zimbabwean criminal justice system. The participants agreed that corruption is a major problem within the justice delivery system, with legal practitioners contributing to its growth. Looking at the major causes of corruption in the system and making recommendations on ways to assist in dealing with the problem, these recommendations included using organizations such as the Law Society and IBJ to lobby against corruption, compulsory legal education to continually educate lawyers, the Law Society acting decisively against members engaging in corruption, improvement of remuneration, particularly for junior lawyers, and running awareness campaigns against corruption.

Our relations with the Law Society of Zimbabwe have developed very well and we have collaborated with them in implementing training sessions. We will continue to host joint training sessions for legal practitioners in the future, which will form part of the Law Society's continuous professional development

program as well as IBJ's core training program. IBJ is also working in partnership with the Law Society to establish legal assistance programs in other major urban centers, similar to the one in Harare. In this regard, we are working towards a draft Memorandum of Understanding to cement our relationship going forward.

Through the relationships we have attentively cultivated, the trainings we have conducted, and the people we have directly assisted when they had no other access to legal aid, IBJ is slowly changing the legal landscape in Zimbabwe. Developing links with justice institutions in Zimbabwe, particularly the Law Society of Zimbabwe, IBJ's efforts to build institutional and government support for our programs is a crucial component of bringing about systemic change in Zimbabwe's justice system. Only by slowly building a sustainable legal infrastructure can we ensure that respect for the rule of law forms the fabric of society and that all individuals are treated with dignity and respect.

IBJ provides pro-bono assistance to client in need



John Burombo with Tendai M

On March 19th 2014, Tendai M was arrested under section 124 of the Criminal Law Act for possessing stolen property after purchasing some clothes from a vendor. The punishment for possessing stolen property is a fine of up to \$5,000, 25 years imprisonment, or both. Married with two children, this left Tendai in a

horrible situation for a crime he didn't commit.

Unknown to Tendai, the clothes he purchased from the vendor were stolen merchandise. Tendai had previously bought clothes from the same person without any problem.

IBJ came to his assistance on April 1st, after he had already been in custody for 26 days. IBJ lawyer John Burombo successfully argued that at the time he took possession of the stolen clothes, Tendai did

not know that the property was stolen. He only became aware of the issue when the police came to arrest him. Obtaining bail for him for \$50, Tendai's case was closed and he was acquitted of all charges.

Tendai was intensely grateful for the legal assistance he received from IBJ. "When we were told by the prison officers that there were people from an NGO that provides legal assistance for free who were looking for people to help, I could not believe my ears. I had been scratching my head on how I was going to engage a lawyer, as I could not afford the fees that I had been told they charged. And now I was being told that I could be helped for free! I must admit that I was a bit wary, but once I met the IBJ people I was reassured. Thank you very much for your assistance IBJ. I hope your work continues, as it is greatly needed by many."