



ULS Statement on Harassment and Intimidation of Lawyers

There are reports of break-ins of Lawyers' offices and taking of vital information for proper representation of their clients. These Lawyers represent some of the parties in the Presidential Election Petition that is before the Supreme Court. Investigations into the break-ins are under way. There are also reports of various attacks made against Lawyers that are representing the parties in the same petition.

We condemn the break-ins of lawyers' offices and all kinds of harassment of lawyers for representing the clients that they represent.

The Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (Adopted as part of the African Commission's activity report at 2nd Summit and meeting of heads of state of AU held in Maputo from 4 -12 July 2003) provide under Principle I, that;

States shall ensure that Lawyers: 1) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; 2) are able to travel and to consult with their clients freely; 3) 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 right to a fair trial includes the right to Counsel. The right to Counsel cannot be realised by intimidation, hindrance, harassment, or improper interference of a Lawyer's work in the representation of their client. Lawyers should be able to consult with their clients freely and they should not suffer, or be hindered, or be threatened with, prosecution or administrative, economic, or other sanctions for any action taken in accordance with their professional duties. Lawyers must have access to all relevant information, files, and documents in their possession or control in sufficient time to enable them to provide effective legal assistance to their clients. Indeed, we must all recognize and respect that all communications and consultations between Lawyers and their clients within their professional relationship are confidential. We thus call on all persons to observe the right to Counsel.

We continue to make the call for peace and for all parties to resolve all elections disputes through the Courts.

For God and My Country

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