

## ***The resignation of Zimbabwe's Chief Justice***

The General Council of the Bar recorded its deep concern over the resignation of Chief Justice Anthony Gubbay, followed by Justice McNally and Ebrahim, and reported threats to both the personal safety and continuation in office of other Zimbabwe judges.

The GCB's chairman, Jeremy Gauntlett SC, issued the following media statement in February 2001:

"We regret that events in Zimbabwe have now led to the resignation of its Chief Justice and now to two more members of its Supreme Court. Worse, it is apparent from unchallenged reports in *The New York Times* last week that the executive has declared that 'no judicial decision will stand in the way of the political way we have adopted' and that judges holding against the execution will prompt 'the resuscitation of the armed struggle'.


This is not just a Zimbabwean issue. The rule of law is foundational to economic and social stability in the region,

and it is indivisible. As former Chief Justice Innes – who headed the appeal court South Africa and Zimbabwe once shared – said: 'Henceforth nothing either for good or for evil can be done in one part of this sub-continent which does not affect the remainder'.

The GCB gives its full support to the condemnation by the UN Special Rapporteur, Dato Param Cumaraswamy, last week condemning executive defiance of the courts in Zimbabwe and interference with the judiciary, and the similar stance by the International Commission of Jurists.

We believe it to be accurate to say that the legal system in Zimbabwe is at extreme risk.

The GCB, in conjunction with the Human Rights Committee of the Bar of England and Wales, has previously offered its support to the judiciary and legal profession in Zimbabwe by providing observers and if required, counsel. We express our solidarity now with our colleagues there, and repeat that offer.

We would also record our tribute to the contribution of Chief Justice Gubbay to law in Southern Africa. Building on the post-independence work of his predecessors, Fieldsend CJ, Georges CJ and particularly Dumbutshena CJ, he has been recognised throughout the Commonwealth as a pre-eminent jurist. His work in the field of human rights and constitutional law is held in particular regard." 

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Harrison Wright (ed) *Selected Correspondence of Sir James Rose Innes* (1967) 342.

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