



LAW ASSOCIATION OF ZAMBIA

LAZ POSITION ON THE QUESTION OF HUMAN RIGHTS

OF late the Law Association of Zambia has been attacked by some members of the public on its stand regarding the question of Human Rights.

The general impression created is that the Law Association of Zambia sympathises with criminals, because its members get their bread and butter by defending criminals. In other words it has been suggested that LAZ supports crime. Some members of the public have come up in total support of Hon. Newstead Zimba Minister of Home Affairs on his "Shoot on Sight" order. Some members of the public have suggested that LAZ is irrelevant, whereas some of them like Mr Zimba aforesaid, have gone to the extent of alleging that the Association never stood up to challenge Human Rights abuses in the first and second Republic. It is high time the record was put straight.

[a] CONNECTION BETWEEN LAZ AND CRIME

The impression created that many of the members of LAZ practice criminal Law or that they get high fees from criminal Law, especially in defending criminals accused of perpetrating heinous crimes like aggravated robbery, murder or rape is to say the least misleading and erroneous. Statistics will show that many of those charged with such heinous crimes are defended by Government Lawyers, the Legal Aid Counsel, at Government expense. Many of them are just too poor to retain Lawyers of their own choice. The majority are defended by the state through the Legal Aid scheme. Some people at this stage will say that the Government is also involved in promoting banditry and rape. The question therefore is why do we have the Legal Aid Department of the Ministry of Legal Affairs?

Any civilised nation which respects the rights of its citizens must have a Legal Aid Scheme. In UK and USA for example, as well as in other civilised jurisdictions, Legal Aid Schemes are so well established that a person charged with serious crimes, is invariably afforded the services of a Lawyer, at Government expense. The idea behind this is that it is better to acquit a guilty person than to convict an innocent person, hence the need for proper Legal representation. In UK, and USA the Government support the Legal Aid Schemes by retaining

Private Lawyers on behalf of accused persons. Some Lawyers in these jurisdictions earn a living by providing Legal services through the Legal Aid SCHEME. The Government pays their fees.

Even in this country the Association has made suggestions to the Government to revamp the Legal Aid Scheme so that poor members of society especially those charged with SERIOUS CRIMES can benefit.

The Law Association of Zambia does not oppose human rights abuses with a view to monetary gain. The Association opposes human rights abuses as a matter of principle. In fact the association was established by the people themselves through an Act of Parliament, the Law Association of Zambia Act CAP 47 of the Laws of Zambia. Among the objects of the Association is to seek the advancement of the rule of Law and of the rights and liberties of the individual. Thus the Association will continue to speak out on matters of public importance from a principled stand. Politicians on the other hand will come and go with their personal views and their Governments' policies, whereas the Association will remain firm and strong for ever and will continue to pursue its objectives VIGOROUSLY. Mr Zimba's "SHOOT to kill or SHOOT ON SIGHT" order will never be a legitimate Legal Directive. It is illegal.

It is also important to note that many Lawyers [members of the Association] are either in private practice or in the private sector. Such Lawyers mainly earn their fees from commercial, conveyancing, property, Licensing Work and civil Litigation. The type of criminal Law practised by Lawyers in private practice relates mainly to less serious crimes. Many people who have been assisted by Lawyers know what I am talking about. They know that a Lawyer is the only source of comfort when one is in problems with the Law. Wait until you are charged with a criminal offence, then you will appreciate the services of a Lawyer? Some police officers who were against Lawyers now support the existence of the Legal Profession, after being charged with criminal offences. Lawyers operate within the Law. They observe ethics. If they do not observe ethics they are publicly disbarred. The Association does not hide information on this to members of the public.