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Recipient, 2011 Inamori Ethics Prize

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Beatrice Mtetwa
Recipient of the 2011 Inamori Ethics Prize

Beatrice Mtetwa was born in Swaziland in 1957. In 1981, Mtetwa graduated with a LIB degree from the University of Botswana and Swaziland. She was the first in her family to graduate from a university. Mtetwa worked as a prosecutor in Swaziland from 1981 to 1983, when she moved to Zimbabwe. She continued working as a prosecutor in Zimbabwe from 1983 to 1989. In 1989, she married a local mathematics teacher (she is now divorced) and had two children.

Mtetwa started working in the private sector in February 1989. She makes a living through her family law cases, but takes on a lot of cases involving constitutional law, mostly relating to human rights. The human rights issues she focuses on are the freedom of peaceful assembly, association, and speech. Mtetwa is best known for her work in defense of the media. Her interest strengthened and her caseload in media and human rights law increased when the Zimbabwean government became increasingly repressive under President Robert Mugabe's regime.

Notably, Mtetwa has been an advocate for journalists in Zimbabwe. Many of these journalists have been detained and harassed by the Zimbabwean government. Her clients included Mercedes Sayagues of South Africa's *Mail and Guardian*, Andrew Meldum of *The Guardian* of London, Angus Shaw of *The Associated Press*, Jan Raath of *The Times* of London, and Brian Latham of *Bloomberg*. Mtetwa worked on behalf of the *Daily News*, which was Zimbabwe's sole independent daily newspaper before Mugabe's government shut it down in September 2003.

In 2005, Mtetwa won the acquittal of Toby Harnden and Julian Simmonds of *The Sunday Telegraph* of London who were arrested outside of a polling station in Zimbabwe during the April parliamentary election. In spring 2008, she successfully defended *New York Times* reporter Barry Bearak and British freelance journalist Stevan Bevan from charges of working without accreditation. These two men were not the only journalists that Mtetwa represented during the massive crackdown on the press in the run-up to the 2008 presidential election in Zimbabwe.

Mtetwa has also represented several members of the Movement for Democratic Change party. This party is in opposition to President Robert Mugabe's

government. Regarding the government in Zimbabwe, Mtetwa observed: “The most incredible thing about Zimbabwe is that it looks like it is working. The government doesn’t go out there and do things without following the law. What they do is change the law to make it what they want it to be. So there’s all this veneer of respectability, of a system that works.”

Mtetwa’s work is not only mentally challenging, but it is also physically dangerous. On October 12, 2003, she endured physical abuse by police after being arrested on unfounded allegations of operating a vehicle while intoxicated. Taken to a police station in Harare and held for three hours, she was beaten and choked. Mtetwa was released from police custody without any charges filed. She was unable to speak for the next two days because of this assault, but she returned to file charges against the police (supported by medical evidence). In March 2007, Mtetwa was manhandled, abused, and dragged by police officers in Harare while attempting to serve a court order. On May 8, 2007, when Mtetwa and three of her fellow lawyers protested the harassment of lawyers Alec Muchadehama and Andrew Makoni, police in Harare assaulted Mtetwa and her colleagues with rubber batons. She has also received many death threats.

Mtetwa, however, makes light of the physical risks she faces and instead insists that the hardest part of her work is appearing in front of judges who do not apply the law properly. She stated, “In return for toeing the government line, (the judges) get a new Mercedes and their families are given every assistance. We will, I fear, be stuck with them and the lawlessness that exists in this country, for many years to come.” Mtetwa thinks that these behaviors should be denounced by other African nations. “It is completely unacceptable for one African country to use as the excuse for inaction that they will not interfere in the affairs of a neighboring sovereign state. I believe Africa must be at the forefront of ensuring that all rogue regimes on the continent are treated in the same way.”

The law is not the only concern of Mtetwa’s. She acknowledges that poverty and AIDS are the most significant issues facing Africa, but she is adamant that in the longer term, the focus should be empowerment of women. Mtetwa does have faith in Africa’s younger generation to address the inadequacies she believes should be given priority. “They are hindered by the existing hierarchies. But there are young leaders who are waiting to come up through the ranks who I truly believe will do things differently.”

A documentary about Mtetwa, *Making the Case, Beatrice Mtetwa and the Rule of Law*, is in production. Directed and produced by award-winning

filmmakers and journalists, the full-length feature film chronicles Mtetwa's struggles and challenges she has overcome as a human-rights lawyer.

Mtetwa currently serves as the president of the Law Society of Zimbabwe. She is also on numerous boards, including Freedom Under Law, the Southern Africa Litigation Centre, the Institute for War and Peace Reporting, Zimbabwe Lawyers for Human Rights, and the *Mail and Guardian* newspaper of South Africa. A senior partner of the law firm, Mtetwa & Nyambirai, her achievements have led to many honors, including the International Human Rights Award, American Bar Association (2010); the Ludovic-Trarieux International Human Rights Prize (October 2009); the Burton Benjamin Award for lifetime achievement by the Committee to Protect Journalists, International Press Freedom Awards (2005); and the Bindmans Law and Campaigning Award from the Index on Censorship and Freedom of Expression (2006).