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September 17, 2002

Mr. Patrick Chinamasa
Minister of Justice, Legal and Parliamentary Affairs
c/o **H.E. Dr. Simbi V. Mubako**
Embassy of Zimbabwe
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Dear Mr. Chinamasa,

The Lawyers Committee for Human Rights is extremely concerned about the arrest and detention of former High Court Justice Fergus Blackie, on September 13. We note with particular concern that Justice Blackie has in the past made rulings against the government and we fear that this record of independence may be the reason for his arrest and detention. The arrest of Justice Blackie follows a worrying pattern of threats against and harassment of members of the Zimbabwean judiciary who are considered to be opponents of the government in some way. We have written to you several times in recent months to express our concern about this pattern and to demand that all attacks upon and threats against judges and lawyers in Zimbabwe cease immediately.

Justice Blackie was arrested by law enforcement officers in the early hours of the morning of Friday, September 13. The basis given for his arrest and detention was apparently an allegation that Justice Blackie had violated the Prevention of Corruption Act and had obstructed or defeated the course of justice. This allegation related to a case that Justice Blackie had adjudicated prior to his retirement in July of this year. According to reports received, the judge, who is 65 years of age, was held incommunicado for over 24 hours before his lawyers were allowed to bring him food, warm clothing, and necessary medication. It was not until Monday, September 16, that Justice Blackie and his lawyers were able to secure his release on bail.

The arrest and detention of Justice Blackie were unnecessary measures in the investigation of the allegations against him. It appears, rather, that the date and time of his arrest were deliberately chosen to cause the greatest possible distress to Justice Blackie and to ensure that he would be held over the weekend. Both the Zimbabwean Constitution and international human rights conventions to which Zimbabwe is party contain provisions prohibiting arbitrary detention and inhuman treatment, as well as protecting the right of all persons to be presumed

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innocent until proven guilty. We are concerned that law enforcement authorities have violated these provisions in their arrest and detention of Justice Blackie in the manner described.

We call upon you urgently to ensure that all law enforcement authorities in Zimbabwe perform their duties strictly in accordance with constitutional protections and international human rights law. Once again, we register with you our alarm at the serious erosion of the rule of law that has occurred in Zimbabwe in recent months, as demonstrated by the manner in which members of the judiciary and legal profession are threatened, harassed and attacked, judicial orders are ignored, and impunity prevails. We demand that you bring this situation to an end, so that the human rights of all Zimbabweans are fully respected.

Sincerely,



Neil Hicks
Director, Human Rights Defenders Project

Cc:

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