

PUBLIC

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UA 283/02 Fear of safety/Incommunicado detention 13 September 2002
Fear of torture or ill-treatment

ZIMBABWE Fergus Blackie (m), retired High Court judge, aged 65

Amnesty International is deeply concerned for the safety of retired High Court judge Fergus Blackie who was arrested by Zimbabwe police in Harare at 4am on 13 September. His location is presently unknown. Police have not yet released information regarding the exact charges for his arrest. It is feared he may be ill-treated or tortured while in incommunicado detention.

Blackie's lawyer, Dipak Mehta, has filed an application to the High Court for an order to the police to produce Blackie in court. He also intends to serve the Commissioner of Police with the application.

Amnesty International believes that Blackie's arrest is consistent with the government's overall campaign to harass and intimidate judges perceived to be critical of state policy. It is suspected that there is no criminal basis for Blackie's arrest and that the police may use the pretext of alleged irregularities in his past handling of a case as a basis for his arrest. That case concerned Blackie's decision on 8 May to overturn the conviction of a white Zimbabwean woman, who was arrested for stealing money from her employer, on the basis of discrepancies in the state's case against her. The appeal case was heard jointly with High Court Justice Rita Makarau. However, Blackie reportedly did not consult Makarau prior to making the ruling, which is considered irregular behaviour.

Amnesty International believes that the real motivation for Blackie's arrest stems from his 17 July conviction of Patrick Chinamasa, the Minister of Justice, Legal and Parliamentary Affairs, on two counts of contempt of court. The Minister was sentenced in absentia to three months in jail and fined approximately US\$930. On 22 August, Justice Charles Hungwete of the Supreme Court, permanently overturned Blackie's ruling convicting Chinamasa.

The conviction followed the Minister's failure to appear in court to answer a contempt of court charge stemming from his criticism of a six-month jail term imposed on three US-citizens convicted of illegal arms possession in 1999.

The judiciary has a crucial role to play in enforcing the law and ending impunity for perpetrators of human rights violations in Zimbabwe. Government attempts to harass and force out those judges who remain independent of its political wishes undermine the role of the judiciary, erode confidence in its decisions and damage it as an institution.

BACKGROUND INFORMATION

Fergus Blackie opted for early retirement in July 2002 shortly after convicting Chinamasa. He is the sixth judge to leave the bench since 2001. His departure highlights the government's ongoing efforts to intimidate the judiciary. Judges who have shown any sign of judicial independence have been threatened with investigation and disciplinary action for supposed misconduct.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern for the safety of Fergus Blackie, who was detained incommunicado by police on 13 September;

- urging the Zimbabwean authorities to immediately inform his lawyer and family of his whereabouts and provide them with unrestricted access to him;
- calling for guarantees that he will be treated humanely while in detention;
- expressing Amnesty International's concern that Fergus Blackie may have been detained solely as a consequence of his recent conviction of Patrick Chinamasa, Minister of Justice, Legal and Parliamentary Affairs, and calling for the prisoner's immediate and unconditional release, unless he is to be charged promptly with a recognizable criminal offence.

APPEALS TO:

The Hon Robert Mugabe
President
Office of the President
Private Bag 7700
Causeway
Harare
ZIMBABWE
Fax: + 263 4 708 820 / 708 557
Salutation: Your Excellency

The Hon Andrew Chigovera
Attorney-General
Office of the Attorney-General
PO Box 7714
Causeway
Harare
ZIMBABWE
Telegram: Attorney-General, Harare, Zimbabwe
Fax: + 263 4 790 901
Salutation: Dear Sir

Mr Augustine Chihuri
Police Commissioner
Police Headquarters
PO Box 8807
Causeway
Harare
ZIMBABWE
Telegram: Police Commissioner, Harare, Zimbabwe
Fax: + 263 4 253 212 / 728 768 / 772 033
Salutation: Dear Commissioner

COPIES TO:

The Hon John Nkomo
Minister of Home Affairs
Ministry of Home Affairs
11th Floor Mukwati Building
Private Bag 7703
Causeway
Harare
ZIMBABWE
Telegram: Minister of Home Affairs, Harare, Zimbabwe
Fax: + 263 4 726 716

and to diplomatic representatives of Zimbabwe accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 25 October 2002.