

PUBLIC

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Further information on 283/02 (AFR 46/043/2002, 13 September 2002) - Fear for safety/Fear of torture or ill-treatment/Incommunicado detention

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

Retired High Court judge Fergus Blackie was released on bail on 16 September, but the charges against him, which Amnesty International believes may be based solely on his recent conviction of the Zimbabwean Minister of Justice, Legal and Parliamentary Affairs, have not been dropped.

On 13 September, Zimbabwe police arrested Fergus Blackie in Harare. He was held in incommunicado detention for one day and was denied access to his lawyer and family, until it was published on 14 September in a government-run newspaper that he was being held at Matapi police station in Mbare, Harare. Although Blackie suffers from hypertension, he was denied access to his medication.

On 15 September, a court application seeking his release was denied by High Court Justice Ben Hlatshwayo, who ruled that his arrest was lawful. However, on 16 September, Magistrate Lillian Kudya granted bail and Blackie was released on conditions that he surrender his passport and report to his local police station once a week. His remand hearing is scheduled for 18 November. His lawyers are liaising with the Attorney General's office to determine if the state has sufficient evidence to proceed to trial.

Blackie has been charged with contravening Section 4 of Zimbabwe's Prevention of Corruption Act, or alternatively obstructing the course of justice. These charges stem from alleged irregularities in Blackie's past handling of a case on 8 May where he overturned 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 his ruling, which is considered irregular behaviour.

BACKGROUND INFORMATION

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. The conviction followed the Minister's failure to appear in court to answer a contempt of court charge stemming from his criticism of a court ruling by Fergus Blackie. Justice Charles Hungwe (name corrected) of the Supreme Court later permanently overturned Blackie's ruling convicting Chinamasa.

Thanks to all who sent appeals. Amnesty International will continue to monitor the case of Fergus Blackie closely.