

September 23, 2002

The Right Honourable Jean Chrétien, P.C., M.P.
Prime Minister
House of Commons
Ottawa, Ontario
K1A 0A6

By facsimile: 613-941-6900

Dear Prime Minister,

RE:ARREST OF FORMER JUDGE IN ZIMBABWE

On behalf of the Canadian Bar Association, I again write to express our continued concern with the rapidly deteriorating situation in Zimbabwe. We call on the Canadian government to speak out in support of those in the Zimbabwean community who seek to uphold the rule of law and protect the rights of citizens. We also ask the Canadian government to take action with others in the international community, including the Southern Africa Development Community (SADC) countries and in particular South Africa, to find concrete solutions to ensure respect for human rights, democracy and the rule of law in Zimbabwe.

The most recent evidence of the worsening human rights and the erosion of constitutional rights was the arrest of Justice F. C. Blackie, a recently retired judge of the High Court of Zimbabwe. Justice Blackie was arrested at his home at 4 a.m. on Friday, September 13, 2002 by law enforcement agents. He was held incommunicado for 32 hours without food or his medication and spent the weekend in a Harare jail. While Justice Blackie has been released on bail, he has been ordered to appear again in court on November 18. The allegation against him is one of contravening the *Prevention of Corruption Act*. This allegation arises out of the way he is said to have disposed of a criminal case before his retirement. However, many legal analysts believe that Justice Blackie's arrest is related to the ruling he made prior to his retirement against Justice Minister Patrick Chinamsa.

Justice Blackie's arrest is part of the government's overall campaign to harass and intimidate judges perceived to be critical of state policy. Seven of the country's 30 senior judges have resigned or retired in just over a year. These higher court judges have been replaced by judges who are seen as supporters of the government or susceptible to government influence. As a result, the judiciary is not seen as independent from the other arms of government. There are now grave concerns about the integrity of legal proceedings and the impartiality of judgments.

The judiciary has a fundamental role to play in enforcing the law and ending impunity for perpetrators of human rights violations in Zimbabwe. The attempts by the Zimbabwe government to harass and force out those judges who remain independent of its political wishes

undermines the role of the judiciary and damages its ability to function as it should in a democratic society.

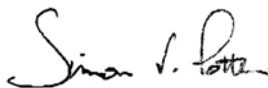
The attacks on the judiciary are yet another example of the President Mugabe's continuing disregard for international law and democratic principles. He continues to carry out a program of intimidation of the legal profession, in particular the Law Society of Zimbabwe. On August 29, 2002, Dr. Frances Lovemore, Medical Director of Amani Trust, a leading human rights NGO in Zimbabwe, was arrested. On August 16, a district magistrate was dragged out of his courtroom and attacked by suspected war veterans. On August 26, another magistrate was stabbed outside his court. Fundamental rights and basic freedoms have been curtailed through draconian legislation such as the *Public Order and Security Act*. The "fast track" land resettlement program implemented by the government of Zimbabwe over the last two years has led to serious human rights violations. Throughout, President Mugabe has continually disregarded calls for respect for human rights and flagrantly continues to operate with impunity.

The CBA's International Development Committee continues to work with its partners in Zimbabwe who seek to protect the rights of citizens, to uphold the rule of law and to hold the Government of Zimbabwe accountable for its actions that are adversely affecting democracy and constitutionalism. As Canadians and as lawyers we remain committed to supporting our partners in the Zimbabwean legal community.

We ask that the Canadian government also make a concerted effort to address the situation in Zimbabwe and that you use your influence to ensure that action is taken. We believe that members of the SADC community have an important role to play, especially South Africa, and Canada should be engaging with these countries to intervene meaningfully in Zimbabwe.

We thank you for your attention to this matter. The Canadian Bar Association remains prepared to support and assist the Canadian government in addressing this issue.

Yours very truly,

A handwritten signature in black ink, appearing to read "Simon V. Potter". The signature is written in a cursive, flowing style.

Simon V. Potter

c.c. The Honourable Bill Graham, P.C., M.P., Minister of Foreign Affairs