



INTERNATIONAL COMMISSION OF JURISTS

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Johannesburg, 24th November 2009

PRESS RELEASE

Justice Azhar Cachalia to observe the trial in the Case of *The State versus Roy Lesley Bennett in Zimbabwe*

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The International Commission of Jurists (ICJ) is pleased to announce that Justice Azhar Cachalia will observe the trial in the matter of *The State versus Roy L Bennett* in the High Court of Zimbabwe. Mr. Bennett is charged with the possession of weapons with the intention to commit sabotage, terrorism, banditry and insurgency. He had earlier been charged with treason but this was dropped. Initially he was charged with contravening section 25 of the Immigration Act requiring persons getting out of Zimbabwe to present themselves before an Immigration officer but this charge was thrown out by court at the initial remand proceedings.

“The trial of Roy Bennett is significant as Zimbabwe goes through its transitional phase because serious allegations of executive use or misuse of the justice system to persecute legitimate opposition to it have been made” said Martin Masiga the senior legal adviser at the ICJ Africa Programme.

The question as to whether the trial of Roy Bennett is in good faith at all or is politically motivated continues to overshadow his trial. The handling of what to charge Bennett with and the failure to explain the multiple changes in charges against him raised suspicion. The issuing of summons and/or arrest of some the lawyers defending Roy Bennett and his potential witnesses deepened the suspicions. At some point a magistrate that signed his warrant of release on bail was himself arrested, imprisoned and prosecuted for signing the warrant. Earlier, government had refused/delayed to release Roy Bennett from prison in spite of court orders granting him bail. The State has exhibited rare zeal in matters of criminal prosecution when the Attorney General Johannes Tomana personally appeared in Court to prosecute the case against Roy Bennett. Serious and credible allegations of torture have been made in the matter.

Justice Azhar Cachalia who is a judge of the Supreme Court of Appeal, South Africa has had a distinguished career as a lawyer and judge. He has over the years developed expertise as a judge in dealing with evidence alleged to have been obtained unlawfully through torture for example in the celebrated precedent setting case of *Mthembu v The State (64/2007) [2008] ZASCA 51 (10 April 2008)*. Justice Cachalia has previously visited Malaysia in 2002 as part of a delegation from the Joseph R.Crawley Program in International Human Rights at Fordham Law School, which undertook a study of that country’s Internal Security Act. More recently he visited Cairo at the invitation of Freedom House to examine, among other things, the impact of the ongoing state of emergency in Egypt on democratic opposition in that country.

“Justice Cachalia’s experience will therefore be invaluable in assisting the ICJ to come to a conclusion on the fairness or otherwise of the Bennett trial process” said Martin Masiga

For further information, please contact at the ICJ: +27 (0) 11 304 9647: Martin O. Masiga, Senior Legal Officer of the Africa Programme

The ICJ is an international non-governmental organisation comprising sixty of the world’s most eminent jurists and has a worldwide network of national sections and affiliated organisations

33, rue des Bains, P.O. Box 216, 1211 Geneva 8, Switzerland
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801 – Website: <http://www.icj.org> - E-mail: info@icj.org