

## SADC Tribunal Still Closed — and Justice Still Denied — 17 Years After Campbell Ruling What does that judgment mean?

The Zimbabwean by Ben Freeth

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Two of the few remaining white Zimbabwean farmers, Ben Freeth (in green) and Mike Campbell (in beige) fight through the courts to stay on their land. Mt Carmer Farm, Chegutu, Zimbabwe. December 2008

Today, 28 November, is the 17th anniversary of the landmark judgment in the Campbell farm test case, [\*Mike Campbell and Others v. the government of Zimbabwe\*](#), handed down by the Southern African Development Community (SADC) Tribunal, the region's court of justice and court of last resort for SADC citizens, in 2007.

### What does that judgment mean?

The first aspect to understand is that the judgment is final and binding from the highest judicial authority in southern Africa.

Courts can be emasculated, closed down, or stopped from continuing to hear cases, but when a final and binding judgment is given, it stands. It cannot be changed. There is nowhere else for the Zimbabwe government to appeal. This judgment will continue to stand as an important human rights judgment that needs to be complied with.

### So what does the judgment say?

Firstly, it says that the process of taking land from the Zimbabwean farmers by the government was done without legal process and was therefore illegal. The government cannot simply list a property in the newspaper and then, without any court process, declare that it now belongs to government and that the owner is now a criminal for living in his own home and producing food for the nation.

Nowhere in the world can such a process be deemed to be fair or right or reasonable.

Secondly, it says that the process was racial in that it targeted people with a white-coloured skin in a discriminatory way. Such discrimination was deemed to be against the SADC Treaty of 1992, and all other human rights charters that Zimbabwe has signed up to.

Thirdly, it said that compensation needed to be paid to those applicants who were, by that stage off their properties, and that compensation was to be full and fair – and paid by June 2009. The ruling for “fair compensation” encompasses the full value of the land, as well as any structures and improvements.

Those applicants have yet to receive a single cent of compensation, 16-and-a-half years after it was due.

Further to the 28 November 2008 judgement, a case for compensation was launched after the Zimbabwe government failed to pay. President Mugabe and others managed to stop this case getting heard by unilaterally removing the judges and ensuring that the tribunal thereby became dysfunctional.

The tribunal has been in a state of suspension since 2011, but it only requires the appointment of new judges by the SADC member states for it to be operational once again.

### **Long Ride for Justice**

On this day two years ago, I set off on a horse called Tsedeq (which means “justice and righteousness” in Hebrew) from Mike Campbell’s Mount Carmel farm gate to bring attention to the fact that the court remains closed and none of the 400 million people in SADC are able to access it when justice fails them in their own countries.

My prayer, when I finally arrived at the door of the former seat of the SADC Tribunal in Windhoek, Namibia on 18 March last year after my “Long Ride” of over 2 000km, remains fixed to that door. At the last SADC Summit in August this year, moves were supposed to be made to rectify the situation, but at this stage it appears that nothing has been done.

In the meantime, it is important to understand that Zimbabwe is obligated under the SADC Treaty – and international law – to comply with all judgments. The United States government’s Zimbabwe Democracy and Economic Recovery Act (ZDERA) of 2018 also states that there has to be adherence to the SADC Tribunal award in the Campbell case.

Currently Zimbabwe is found severely wanting. Zimbabwe is in breach of treaty law and thereby the rule of law itself is in abeyance.

We call on the Zimbabwe government to comply with the tribunal judgment.

We look forward to the day when this is rectified, and the rule of law is restored and respected so that all people in the 16 SADC member states can be protected, and all can thrive.

In the meantime, we continue to call on the SADC Secretariat, based in Gaborone, Botswana, to appoint judges so that the “house of justice” for the region can once again function.

Without justice and adherence to the rule of law, oppression and fear will prevail. Our objective is to work towards peace, security, and prosperity where people can achieve success without the constraints of fear and oppression.

This concept is encapsulated in the Bible in Micah 4:4: *“Every man will sit under his own vine and under his own fig tree and no one will make them afraid.”*

<https://www.thezimbabwean.co/2025/11/sadc-tribunal-still-closed-and-justice-still-denied-17-years-after-campbell-ruling/>

<https://www.msn.com/en-xl/africa/zimbabwe/sadc-tribunal-still-closed-and-justice-still-denied-17-years-after-campbell-ruling/ar-AA1Rnyfm?cvid=ce3faafea62640f6c634a3cb3bb7a9aa&ei=11>