



BEN FREETH'S "LONG RIDE FOR JUSTICE"

BRIEF BACKGROUND TO ZIMBABWEAN FARM COURT CASE IN THE SADC TRIBUNAL



The SADC Tribunal regional court of justice in Windhoek, Namibia

Mike Campbell, a respected Zimbabwean commercial farmer who farmed in the Chegutu district of the country's Mashonaland West province, built up a mixed farming enterprise on his Mount Carmel farm, with a highly successful mango exporting operation and an EU-accredited pack shed.

The government-orchestrated land invasions began in February 2000, immediately after President Mugabe, who had become increasingly unpopular, lost a referendum on a new constitution which would further entrench his presidential powers. So-called "war veterans" were ferried onto commercial farms, often in government vehicles, to beat up and force off the title deed owners, as well as their farm workers and their families.

This caused a total breakdown of law and order, resulting in widespread intimidation, theft, violence, murder, arson and internal displacement. Many highly productive farming enterprises were wantonly destroyed, with disastrous consequences for the farmers, their workers and the agro-based economy.

In July 2000, the government formally announced what it termed the "fast track" land resettlement programme, stating it would acquire more than 3 000 of the 4 500 commercial farms for redistribution to landless black people. However, the main recipients of the farms – and certainly the best farms – were members of President Mugabe's family, senior politburo members and high ranking people within the police, army, and air force, as well as judges.

From 22 July 2001, various attempts were made by the government to seize Mount Carmel farm, but these were initially thwarted by the High Court of Zimbabwe. After three more preliminary notices to take the farm were published in 2004, Campbell applied to the Courts in 2005 on constitutional grounds and had a hearing in the Supreme Court in April 2007.

On 1 October 2007 the Zimbabwe Government started prosecuting Campbell for the unique offence of farming his own land and living in his own home.

Consequently, on 11 October 2007, Campbell instituted a case with the regional court of justice, the SADC Tribunal, to challenge government acquisition of agricultural land on the basis that it was discriminatory; that it infringed their right to property and a proper legal process in its acquisition; and that fair compensation should be paid.

The case was joined by 77 other Zimbabwean farmers and farming organisations.

On 28 November 2008, the Tribunal held that the Zimbabwean government violated the SADC treaty by denying access to the courts and engaging in racial discrimination against white farmers whose lands had been confiscated under the land confiscation programme. The judges also held that fair compensation should be paid to the farmers by the government.

In response, under pressure from President Mugabe, the SADC Heads of State disbanded the Tribunal in 2012, denying the more than 389 million SADC citizens access to justice when the justice systems in their own countries had failed them.

The objective of Ben Freeth's "Long Ride for Justice" is to raise the profile of the need to reopen the SADC Tribunal so that all SADC citizens can have access to justice.

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