



2 August 2024

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**FAILED ATTEMPTS TO MEET WITH YOU OR A SENIOR MEMBER OF THE SADC SECRETARIAT IN GABORONE**

Dear Your Excellency

I am writing in some distress to appeal to you to reply to my letters requesting a meeting with you so that I can discuss our extremely difficult situation in Zimbabwe.

You may be aware that I recently spent three months walking 2,400 km with a horse from Mount Carmel farm in Zimbabwe to the SADC Tribunal building in Windhoek. It was here that, 15 years ago, we received a final and binding judgment allowing us to remain on Mount Carmel farm.

This walk was a prayer walk, as well as a walk to bring awareness of the way that human rights, democracy and the rule of law (one of the five stated sets of principles that guide SADC in the SADC Treaty) have failed us in Zimbabwe.

On 18 March, during an authorised ceremony on the steps of the SADC Tribunal building, the Mike Campbell Foundation (represented by me), the Mthwakazi Republic Party (Zimbabwe), the Southern African Agri Initiative (SAAI), AfriForum (South Africa) and the Office of Kgosi Mogakolodi Masibi of the Batlharo Boo Tokwana Ba Ga Masibi Cultural Community (South Africa) as well as others, signed a memorandum to the SADC Secretariat, calling for the restoration of the regional court of justice, the internationally respected SADC Tribunal. My printed prayer calling for justice and righteousness was then affixed to the door of the SADC Tribunal building.

We are all deeply concerned that without an operational SADC Tribunal, ordinary SADC citizens are denied access to justice when the justice systems in their own countries fail them, as is the case on a continuous basis in Zimbabwe, initially under President Mugabe and now even more so under President Mnangagwa.

You may know that, despite the final and binding judgment from the SADC Tribunal on 28 November 2008 in Mike Campbell's favour, we remain unable to access Mount Carmel farm 15 years after getting that judgment. This was brought to the attention of the SADC Secretariat in both 2009 and in 2010 when the Zimbabwe Government was found in contempt of court by the SADC Tribunal.

American law recognised the 28 November 2008 Campbell judgment – and the Tribunal's additional 18 judgments against the Zimbabwe government – and incorporated them into the Zimbabwe Democracy and Economic Recovery Act (ZDERA)\* in 2018.

You may know that subsequent to the Campbell judgment, our houses and some of our workers' homes were burnt down with all our personal effects in them. The tractors – together with all the other farm equipment – were stolen, the crops were all stolen, the valuable wildlife in the safari area was killed, and some of our workers were tortured severely by police and imprisoned on trumped up charges.

Mike Campbell, my father-in-law and the owner of Mount Carmel farm, died of severe injuries sustained after he, his wife, Angela and I were abducted and tortured at a militia camp in a brutal attempt to try to force us to withdraw our case in the SADC Tribunal. All the above – and so much more – took place with complete impunity. None of the perpetrators were ever brought to trial.

Four weeks ago, after not receiving a reply to my letters over the last four months requesting a meeting with you – or to the attached memorandum signed in Windhoek on 18 March and delivered immediately to the SADC Secretariat in Gaborone, I decided to drive all the way from Zimbabwe to Gaborone to try to establish why I am not getting any response. This was a drive of nearly 3,000 km.

Your staff were very helpful when I arrived on 2 July and assured me that my letters had been received and that you had asked the Deputy Executive Secretary, (an ex-Zimbabwe Government official), to reply. The Deputy Executive Secretary has unfortunately failed to reply. I was told she was not available, but that I could meet the head of your legal division at the SADC Secretariat the next day. When I arrived for the meeting, I was told that she had unfortunately had to go to hospital. However, I was informed that I would get a reply to my letter later in the day. No reply was forthcoming (and still isn't) and I had to drive home on 4 July because I had other urgent commitments.

It seems that the Zimbabwe Government is able to get away with breaking the SADC Treaty with complete impunity.

The SADC Treaty states that "SADC and its Member States shall act in accordance with the following principles: (a) sovereign equality of all Member States; (b) solidarity, peace and security; (c) human rights, democracy and the rule of law; (d) equity, balance and mutual benefit; and (e) peaceful settlement of disputes."

Democracy, human rights and the rule of law are fundamental to a functioning society that would wish to achieve the stated noble objectives of SADC; but the Zimbabwe Government is able to continuously violate the SADC Treaty and cause appalling suffering to innocent citizens in the process.

What is also so irksome is the impression that the custodians of the SADC Treaty do not appear to be prepared to engage with ordinary SADC citizens like myself who are at the receiving end of the Zimbabwe Government's non-adherence to the rule of law and SADC's own final and binding judgments through the SADC Tribunal.

Between 2007 and 2010, the SADC Tribunal adjudicated in around 25 cases, 18 of which were court cases against the Zimbabwe government, all of which it lost. In the Gondo torture case, for example, the victims suffered bullet wounds, beatings and even paralysis as a result of the physical violence at the hands of the police and soldiers.

The citizens of SADC – and especially those of Zimbabwe – need the SADC Tribunal to be restored in order to offer protection from, in Zimbabwe’s case, their own government. Democracy, human rights and the rule of law need the Tribunal to be openly accessible for the people of SADC so that we can all thrive together without fear.

### **Pre-SADC Summit crackdowns in Zimbabwe**

In view of the escalating number of crackdowns and gross violations of human rights in Zimbabwe by the Mnangagwa government and security forces ahead of the SADC Summit on 17 August and the shocking cases of police brutality, it is increasingly imperative for the SADC Tribunal to be reinstated. For example:

**On Sunday 16 June**, members of the opposition Citizens Coalition for Change (CCC) party in Zimbabwe met peacefully at a private residence to commemorate the Day of the African Child. The police embarked on an unprovoked and brutal crackdown which resulted in the arrest, beating and torture of numerous activists, including young women and their leader, former Senator Jameson Timba.

More than 20 activists sustained serious injuries, with at least five suffering from fractured hands, while one young woman, Tambudzai Makororo, sustained a badly broken leg and had to be carried to and from a police van outside court by one of her colleagues. She was denied crucial leg surgery for 23 days.

Amnesty International describes the arrests and detention of these CCC members as “part of a disturbing pattern of repression against people exercising their rights to freedom of peaceful assembly and expression”.

**On Wednesday 24 July**, 10 members of the Zimbabwe National Students’ Union (ZINASU) were injured and 44 arrested after armed anti-riot police raided their private meeting at the ZESA Training Centre in Belvedere, Harare. Injuries sustained included cracked bones and deep cuts.

**On Wednesday 31 July**, four human rights activists – Namatai Kwekweza, Robson Chere, Samuel Gwenzi, and Vusumuzi Moyo – were removed from a departing plane at Harare airport by security agents. They were due to attend the 5<sup>th</sup> African Philanthropic Conference, an annual gathering of civil society policy influencers and other stakeholders at the Victoria Falls. The activists were detained for at least 8 hours and Chere sustained severe injuries after he was tortured by the captors, who used planks and iron rods to torture him.

The vicious treatment inflicted by the regime highlights the grave human rights abuses that continue to be perpetrated on Zimbabwean citizens and human rights defenders under President Mnangagwa.

This is despite the fact that Zimbabwe is due to host the 44th Ordinary SADC Summit of Heads of State and Government on 17 August 2024 in Harare and President Mnangagwa is due to take over as Chairperson of SADC. Clearly, Mnangagwa believes he can continue to perpetrate brutal crackdowns with impunity and without the intervention or censure of SADC.

Your reply would be most appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ben Freeth', written in a cursive style.

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**\*ZDERA OF 2018:** It is the sense of Congress that the Government of Zimbabwe and the Southern African Development Community (referred to in this section as “SADC”) should enforce the SADC Tribunal rulings issued between 2007 to 2010, including 18 disputes involving employment, commercial, and human rights cases surrounding dispossessed Zimbabwean commercial farmers and agricultural companies”.

CC: Copies sent to key stakeholders