

## **Zimbabwe pays punitive order; auction suspended**

The auction of a house located at 28 Salisbury Avenue in Kenilworth, Cape Town, which was set to take place at 10:00 tomorrow morning, was suspended after the Zimbabwean Government hastily acceded to a punitive cost order on Friday. The order was handed down by the Tribunal of the Southern African Development Community (SADC).

Full payment of the order was made into the trust account of the legal representatives of AfriForum, Hurter Spies Incorporated on Friday.

Zimbabwe did everything in its power to avoid accountability, but a legal process driven by AfriForum forced the Zimbabwean Government to concede liability. And while the punitive cost order is but a drop in the bucket of the losses inflicted on white farmers in Zimbabwe by President Robert Mugabe's land grab programme, this outcome proves that the law does indeed provide a remedy.

The partial compliance of Zimbabwe with the order of the Tribunal is the culmination of a four year legal battle, in which AfriForum assisted Zimbabwean farmers to pressure Mugabe by means of South African legal processes into abandoning his illegal land grab programme. The door has now been opened for further legal action to force Zimbabwe to compensate farmers for loss of property rights to their farms.

On 27 June 2013 the Constitutional Court decided unanimously in favour of the Zimbabwean farmers, thereby turning a finding of the Southern African Development Community Tribunal in favour of an elderly Zimbabwean farmer, Mr Mike Campbell, and 77 other farmers into a court order. The Tribunal found in November 2008 that Mugabe's land grab programme was illegal and racist. During June 2009 the Tribunal issued a punitive cost order against the Zimbabwean Government because Zimbabwe refused to acknowledge the finding.

AfriForum assisted the farmers to have the findings of the Tribunal registered in South Africa and enforced after Zimbabwean courts refused to do so. After the successful registration of the Tribunal order in the North Gauteng High Court in Pretoria, properties belonging to the Zimbabwean Government in Cape Town were attached by the farmers, assisted by AfriForum. The property located in Salisbury Avenue in Kenilworth, Cape Town, was occupied by tenants, meaning that the commercial property is not protected by diplomatic immunity. Zimbabwe tried to have the process reversed in the High Court, the Supreme Court of Appeals and the Constitutional Court, but failed in every instance.

"The payment of the punitive cost order is a breakthrough for justice in the region. This is but the first step in our struggle for justice for Zimbabwean farmers. That struggle will continue," said Willie Spies, legal representative for AfriForum.