



2 August 2011

THE RIGHT TO COMPENSATION

The Zimbabwe Human Rights NGO Forum (the Forum) welcomes the acquittal of its client, Mr. Goodwell Mazarura by the Mutoko Magistrates Court on 28 July 2011. Mr. Mazarura had been charged with contravening sections 134 of the **Criminal Codification and Reform Act** [Chapter 9:23]. The charge followed lawful attempts by our clients to recover his property that had been destroyed and/or looted during 2006 violence.

Mr. Goodwell Mazarura approached the Forum for assistance after his homestead and property were destroyed in 2006 as a result of politically motivated violence. In 2010, with the assistance of the Forum, he managed to secure convictions against two of the assailants. The court in passing sentence on the two perpetrators ordered that compensation be paid to our client. However when our client attempted to enforce this order by seeking compensation from the relatives of the convicted individuals, he was arrested and charged with extortion in terms of section 134 of the **Criminal Codification and Reform Act**. This provision holds as criminal the conduct of any person who "*intentionally exerts illegitimate pressure on another person with the purpose of extracting an advantage*".

At Goodwell Mazarura's criminal trial the Forum argued that its client had acted lawfully as he was entitled to such compensation. The court ruled in favour of our client and as such he was acquitted of the charge on 28 July 2011. The Magistrate in his judgement ruled that, there was nothing unlawful about our client's conduct. He (the Magistrate) further stated that even though, the order of the court, which entitled Mr. Mazarura to compensation was passed against the perpetrators, who are now incarcerated, their property was not in prison. As such our client was entitled to approach the relatives of the perpetrators to seek redress as ordered by the court.

This purposive and pragmatic interpretation of the law by the Magistrate is commendable. It gives force and effect to the Court's power to order restitution in terms of Section 362 of the **Criminal Procedure and Evidence Act** [Chapter 9:07] and also reinforced our society's condemnation of the use of violence to intimidate political opponents. Mr. Goodwell Mazarura's acquittal served to galvanize the moral recognition that, our client was wronged and that he was entitled to be compensated by those that wronged him.

ENDS//