



PRESS RELEASE

ZELA ASSISTS MEMBERS OF CHIADZWA COMMUNITY DEVELOPMENT TRUST TO TAKE LEGAL ACTION

Issued: 16 December 2009

The Zimbabwe Environmental Law Association (ZELA) assisted members of Chiadzwa Community Development Trust (CCDT) to take legal action against government and private companies involved in diamond mining operations in (Chiadzwa) Marange. Two separate actions, the first, through an Urgent Chamber Application (HC 6334/09) and the second through Summons (HC 6337/09) were filed in the High Court of Zimbabwe. In the first application, the applicants are seeking an order to interdict the respondents, namely *Mbada Mining Private Limited, Canadile Mining Private Limited, Zimbabwe Mining Development Corporation, Minister of Mines and Mining Development* and the *Minister of Local Government, Urban and Rural Development* from evicting or relocating any persons from the Chiadzwa area for purposes of facilitating mining operations, until the respondents and the affected persons have entered into written agreements relating to compensation payable to the affected persons. Further, the applicants seek to interdict the mining companies from conducting their mining explorations and operations, and construction of an airport, until they have been granted Environmental Impact Assessment Certificates in accordance with the laws of Zimbabwe.

In the second action, the plaintiffs are seeking an order to interdict the *Zimbabwe Republic Police, the Zimbabwe National Army and the Ministry of Homes Affairs* from prohibiting any mode of public transport from plying routes in the Chiadzwa area, to remove members of the Zimbabwe National Army from the Chiadzwa area, to direct the security forces to cease demanding identity documents from the Chiadzwa residents and assaulting them and from closing businesses operating in the area. In the same vein, the plaintiffs are also praying for a court declaratur that; the prohibition of buses from plying routes in Chiadzwa is unlawful as it violates section 22 of the Constitution of Zimbabwe and has no lawful basis. Section 22 of the Constitution of Zimbabwe protects freedom of movement. Further, the plaintiffs also seek a court declaration that members of the Zimbabwe National Army are not authorized officers in terms of the Protected Places and Areas Act [Chapter 11 : 12].

In their affidavits the applicants stated that more than 40 families who will be relocated to make way for mining operations have not been paid any compensation and that the mining companies started operations without conducting environmental impact assessments. The plaintiffs also stated that the security forces ordered buses from picking passengers in Chiadzwa, that they demand identify cards from residents and always order business people in the area to close their shops.