

Legalbrief Africa
10 April 2008

As credible reports come to light of planned attacks on Zimbabwe's rural communities by ZANU-PF aligned forces, the Southern Africa Litigation Centre (SALC) reiterates that senior Zimbabwean security officials can be held liable under international law for orchestrating such acts of violence.

It also calls on regional and international leaders to uphold the **responsibility to protect** doctrine by taking every necessary measure to stop such violence. (...)

SALC's sources have also provided it with a detailed list of names of those officials tasked with orchestrating the attacks. 'The level of detail in the information provided names, dates, numbers,' says Fritz, 'speaks to a state-sponsored, pre-planned attack on Zimbabwe's civilian population, indicating the commission of crimes against humanity.'

'From the list of names we've received, it appears that those individuals in most senior positions of authority are the same senior officials we've cited in our dossier submitted to the National Prosecuting Authority and whom we allege are responsible for crimes against humanity for systematic acts of torture.'

The principle of command responsibility under international criminal law means that superiors will be held responsible for criminal conduct of subordinates for failing to prevent such conduct. And subordinates cannot escape responsibility by claiming the defence of superior orders.

'In the face of reports of such impending attack, the international and regional community have a heightened responsibility' says Fritz. 'The **responsibility to protect** doctrine, unanimously adopted by heads of state and government at the UN's world summit in 2005 requires that where a population is suffering serious harm as a result of repression and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international **responsibility to protect** doctrine.'

Source:

<http://www.legalbrief.co.za/article.php?story=20080410130218780>