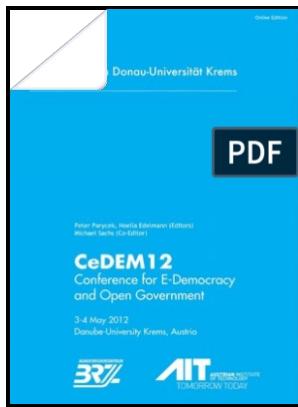


# Duty to protect and to ensure human rights - colloquium, Potsdam, 1-3 July 1999

## Berlin Verlag A. Spitz - Protecting the Victims of the Privatization of War

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### Zimbabwe Human Rights NGO Forum v. Zimbabwe, Decision, Comm. 245/2002 (ACmHPR, May. 15, 2006)

In the history of Zimbabwe, it is a well known fact that Clemency orders have been resorted to as a process of easing tension and creating a new beginning. Referring to the Rodriguez Case, the State noted that the Inter-American Court of Human Rights was clear to what extent a State may become responsible for cases not intentionally or directly imputable to the State.

#### **publish.UP The duty to protect and to ensure human rights under the international covenant on civil and political rights**

Based on the evidence before it, the African Commission could not establish whether there was a discriminatory pattern in the way the police conducted investigations on the alleged violations. The State concluded that throughout the Communication, there was evidence that the Complainant did not take steps to ascertain what had happened to the matters that were reported to the police. Article 9 of the African Charter provides: 1 Every individual shall have the right to receive information 2 Every individual shall have the right to express and disseminate his opinions within the law Article 10 of the African Charter provides: 3 Every individual shall have the right to free association provided that he abides by the law.

### Zimbabwe Human Rights NGO Forum v. Zimbabwe, Decision, Comm. 245/2002 (ACmHPR, May. 15, 2006)

Most of them claimed the Police refused to investigate their complaints because they were in the opposition MDC party.

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It is generally believed that the single most important factor in the proliferation and continuation of human rights violations is the persistence of impunity, be it of a de jure or de facto nature. Therefore, according to the State, their illegal acts cannot be imputable to the Government of Zimbabwe.

### Zimbabwe Human Rights NGO Forum v. Zimbabwe, Decision, Comm. 245/2002 (ACmHPR, May. 15, 2006)

By Note Verbale of 16 December 2004 and by letter of 20 December 2004, the Secretariat informed the State and the complainant respectively of the decision of the African Commission.

## **Portal für Politikwissenschaft**

The fact that all the allegations could not be investigated does not make the State liable for the human rights violations alleged to have been committed by non-state actors. See also Malawi African Association and Others v Mauritania ----- 209.

## **Protecting the Victims of the Privatization of War**

With respect to allegations of violation of Article 2 and 3 2 - complainant submits that the Respondent State denied the victims their rights as guaranteed by the African Charter on the basis of their political opinions. The Respondent State alleged that the statement of facts submitted by the complainant was based on information disseminated through the mass media which information should be considered cautiously. The Order also granted a remission of the whole or remainder of the period of imprisonment to every person convicted of any politically motivated crime committed during the stated period.

## **The duty to protect and to ensure human rights : colloquium, Potsdam, 1**

Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions U. The African Commission can therefore not rely on these declarations to conclude that the alleged victims were victimised, discriminated or denied equal protection of the law. Annexed to the communication as appendix one were statements allegedly made by alleged victims of violence stating that they made reports to the police but no action was taken, neither was any arrests made.

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