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## **Update on the Human Rights Situation in Marange Diamond Community**

### **Police Brutality**

In Chirasika village of Marange at around 2am on 12 October 2020, an armed soldier and two police officers forced entry into Mr Livemore Rwizi's separate bedrooms where his wives and children were asleep. The 3 were all holding beers in their hands. Mr Rwizi is the village head for Chirasika which falls under headman Chiadzwa in ward 30. Narrating the horrendous incident, Mr Rwizi's second wife Chipo Vherukai aged 34 told CRD that she was not dressed when the officers broke into her bedroom. She added that she felt degraded when the officers flashed lights at her without her clothes on. She further went on to mention that the violent officers also traumatized her 1 month year old baby who couldn't stop crying several hours after the break in. Her other 2 year old son knowledge Rwizi was hit on the face by flying debris from the falling wooden door.

Mr Rwizi and his first wife also met the same terror and humiliation when the officers broke into their bedroom. The officers used cellphone flashlights to search their bedrooms. The drunk officers demanded the whereabouts of Mr Rwizi's son Farisa, whom they suspected of having been involved in a crime that had occurred in the diamond community. Farisa was eventually found innocent for the alleged crime. The following morning Mr Rwizi reported the 3 officers to the police at Chirasika tollgate base. Mr Rwizi and his wives demanded that the officers be charged for harassment and damage to property. The police refused to reveal the identity of the officers let alone initiate charges against them. They only promised to repair the damaged doors. Three days after the incident a police officer by the name Mugadzaweta delivered a small packet of nails at Mr Rwizi's homestead. He was never to be seen again.

Around 4pm on 6 September 2021, 3 armed and visibly drunk Zimbabwe National Army Soldiers(ZNA) in military uniforms approached Njonda shops in ward 29 of Marange. According to an eye witness account, the soldiers started assaulting people randomly whilst demanding them to lie on the ground. Terrified villagers ran for their lives. Two people were seriously injured from the attack. The soldiers are operating from Zimbabwe Consolidated Diamond Mining Company(ZCDC) mining plant in Kusena village of ward 29. On this day these 3 soldiers were manning a security

checkpoint in kurauwone village where they were suspected to have been drinking alcohol on duty. The community of ward 29 and 30 endures all forms of abuse such as harassment, intimidation and physical assault on regular basis from state security forces operating in Marange diamond fields.

### **Mining Health Hazards**

ZCDC inherited diamond mining operations in ward 29 from Sino Zimbabwe (Sino Zim), a joint venture between the Central Intelligence Organisation(CIO) and a notorious Chinese convict, Sam Pa. Sino Zim operated under different names including Kusena diamonds from 2011 to 2015 in Marange. The company left huge open pits in Kusena village amid allegations that it siphoned diamonds out of the country with the assistance of state security agencies. There were no economic benefits from the mining project that accrued to 3591 households that inhabit 16 villages of ward 29 in Marange. The open pits left by Kusena diamonds trap rain water during the wet seasons. Thus the pits have become breeding sources for malaria spreading anopheles mosquitoes. Villages located to the mining areas such as Kusena, Musandishona, Fungirai and Chikara have been adversely affected by malaria in recent years. With a population of 401 households, Kusena village has been hit the most.

The malaria situation is worse in 7 villages of ward 30 in Marange where 6 mining companies were operating. Anjin was the major culprit in creating deep open pits but denied responsibility to rehabilitate the mining area when government reinstated its mining license in 2018. Information gathered from Environmental health Technicians(EHT) local clinics and village health workers indicate that malaria has become the dominant disease in ward 29 and 30. Children are mostly affected by malaria. ZCDC has made the situation worse by opening new extraction pits in the areas. The company has started surface blasting in ward 29 areas surrounded by villages. 38 households drawn from Kusena, Musandishowa, Fungirai and Chikara villages are forced to move out of their homes to higher ground for 3 hours when blasting takes place. The noise produced by the blasting is devastating to the community. Blasting has been conducted on 6,14 and 21 September 2021 by ZCDC. The areas where surface blasting is taking place lie between Kusena and Chikara primary schools. School authorities highlighted that they are forced to detain infant classes at school until the blasting has stopped to ensure pupils are not harmed by flying rocks. The detention increases the risk of covid 19 spread among pupils who do not have enough classrooms and furniture at the schools. Surface blasting produce shattering noise and air pollution. Thundering sound from ZCDC dumper trucks and speeding vehicles of illegal diamond buyers that are constantly passing through the vicinity of the schools has made the learning environment uncondusive.

There is growing fear in the affected community that the unpleasant mining activities being conducted by ZCDC are intended on forcing them to agree to relocation. The

United Nations Declaration on the Rights of Indigenous Peoples obliges states to recognise the rights of indigenous people to Free, Prior and Informed Consent (FPIC) for any activity that affects their ancestral lands, territories and natural resources. Zimbabwe is still using an unprogressive, colonial and extractive Mines and Mineral Act (Chapter 21:05) that does not recognise these rights. The government continues to violate section 73 of the constitution of Zimbabwe by failing to bring the Mines and Minerals Amendment Bill (MMAB) to parliament. Amendments to the Mines and Minerals Act (MMA) are necessary to safeguard the rights of citizens to a healthy environment, ecological sustainability and use of natural resources to promote economic and social development.

## **Natural Resources Governance**

Rural District Councils (RDCs) in Zimbabwe consider the supremacy of the MMA over the Rural District Councils Act (Chapter 29:13) a major obstacle to their implementation plans on service delivery and development. Special mining grants and any other mining claim issued by the Ministry of Mines empowers the miner over local authorities and traditional leaders. At the same time the law provides for mining companies to remit little revenues to local authorities in the form of land levies. Furthermore, the scrapping of community shares in the mining sector by government means host communities can no longer derive direct benefits from mining activities in their community. Faced with a disempowered local authority and powerless traditional leadership, the diamond community of Marange has been subjected to environmental violence, destruction of community infrastructure, forced relocations, loss of livelihoods, malaria and other respiratory diseases caused by mining.

President Mnangagwa made an undertaking to reform the governance of natural resources in his state of the nation address to parliament on 18 September 2018. His proposal to amend the MMA, Forestry Act, Precious Stones Act and Gold Trade Act was meant to foreclose existing gaps that are sustaining opacity and human rights violations. His proposal to table the Provincial and Metropolitan Councils Bill and amend the RDC Act and the Traditional Leaders Act was geared towards devolving power to local tiers of government. Devolution is the cornerstone to citizen participation, community empowerment and improved standards of living. President Mnangagwa's government has not tabled any one of the proposed bills in parliament 3 years after the proposals were announced in parliament. Needless to say that the Forestry Amendment Bill that now awaits Presidential Assent was already before parliament in 2018. The exploitation of minerals in the past 3 years has been dominated by opaque mining licensing and unregulated mining operations. Fear of victimization has made it difficult for local duty bearers and law enforcement agencies to hold mining entities to account for adverse mining impacts. A situation that has exacerbated human rights violations in Marange, Chimanimani, Premier Estates and Penhalonga in Manicaland Province. The surface gold mining activity currently taking place at Redwing Mine in Penhalonga is a worst case of breakdown of rule of law.

## Resource Leakages

Diamond leakages are continuing in Marange. Driven by poverty and despair, Marange is experiencing a growing number of illegal diamond miners. These miners are collaborating with state security agencies and mining company guards to steal diamond ores. Marange diamond fields are vast and porous. Security reactions to illegal miners that enter the diamonds fields without prior arrangement continues to be brutal and lawless. Without employment and reliable sources of income, villagers are accommodating illegal miners for a fee ranging from \$US15 to \$US30 a month. Thus the influx of artisanal miners has seen an increase in crime, school dropouts, sexually transmitted diseases, early child marriages and divorces in ward 29 and 30 of Marange. On 7 September 2021 a grade 7 pupil at Kusena Primary School was raped at her parents' homestead by an illegal miner, 43-year-old Thomas Zvinavashe from Rusape. Thomas was renting at the homestead and paying US\$20 a month. Thomas came home drunk around 9 pm. According to the victim's parents, he broke into the girl's room and raped her before fleeing the scene. Thomas is on the run from the police following the incident. A lot of these abuses on young girls are taking place in the diamond community but are not reported. The influx of artisanal miners has also put a strain on health service provision in the area.