

RAISING THE COMMUNITY VOICE IN THE EXTRACTIVE SECTOR

Resource conflict between “illegal miners” and companies mining in Marange and Penhalonga Impact negatively on the community as incidences of human rights abuses continue to spiral.

Government remains silent on compensation for relocated families at Arda Transau



Also in this Issue: CRD revisit the case of Joseph Mutasa murdered at DTZ –OZGEO in Penhalonga
: Victims’ families question the behaviour of state authorities in the death of their loved ones.

1.1 Executive Summary

[The Indigenisation and Economic Empowerment Act of 2007](#) empowers the government of Zimbabwe to secure at least 51 percent of the shares of every public company or business for the benefit of the indigenous people of Zimbabwe. Ever since the promulgation of this act state functionaries have increasingly dominated the extractive sector by entering into secretive mining ventures with foreign entities much to the detriment of the general population naturally presumed to be the beneficiaries under this act.

In Manicaland Province government through the Zimbabwe Mining Development Corporation (ZMDC) has 100 percent shares in companies like Marange Resources and has also partnered with foreign companies to mine diamonds in Marange. These partnerships have largely brought the state security sector, highly placed political elites and foreign investors into the directorship of these mining ventures. As such there is increasing evidence of underground trade and unlimited personalisation of resource revenue by securocrats and accomplices loyal to the system.

Government has on many occasions admitted to these anomalies through fiscal review polices and [budget presentations](#) by the Ministry of finance. The Portfolio Committee on Mines and Energy in its recent presentation to Parliament confirmed that [“diamond mining in Chiadzwa is dogged by serious issues of transparency and accountability in the production, marketing, fiscal contributions and general administration.”](#)

The murky situation in this sector has made it difficult for government to protect citizens from unfair business practices and human rights violations. In Marange for instance, mining companies have not only reneged on their commitment to remit funds to [Community Ownership schemes](#) set by government but they have also failed to carry out sustainable social corporate responsibilities for the mining community. On the other hand the state hastily facilitated massive relocations of villagers from Chiadzwa to Arda Transau in 2010 to pave way for these mining ventures to exploit the diamond resource with disastrous impacts on the social-economic lives of the affected families. Relocation commitments negotiated by the state on behalf of the relocated families in 2010 have been violated by some of the mining companies like Anjin and the state is increasingly failing to enforce compliance because they have entrenched interests in these projects vis- a- vis state functionaries including the security sector are directly benefiting from the mining ventures.

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In conclusion these mining ventures are failing to guarantee best practices that promote sustainable livelihoods for mining communities in Manicaland Province. As a result, the immediate impact on the communities has been that of economic deprivation, environmental deficits and fast tracked displacements that has made people restive and vulnerable. The illegal panning and smuggling of both diamonds and gold in protected mining concessions where these ventures are operating continue to bedevil the sector. Responses to these activities by mining companies in the eyes of government continue to be brutal and abusive. Mining corporations have a responsibility to respect human rights by taking the necessary measures to address issues affecting their mining operations within the confines of the country’s laws. However the greatest shortcoming here is government’s reluctance to restrain companies from perpetrating human rights violations against citizens yet it is the responsibility of government to protect and create an enabling environment where the rights of both mining companies and communities are upheld.

1.2. Purpose of this Report

- To highlight some of the incidences of human rights abuses taking place in the extractive sector of Manicaland Province
- To raise awareness on the plight of relocated families at Arda Transau whose socio-economic rights have been violated by mining ventures in Marange.
- To encourage government to integrate community participation in mining ventures as a solution in managing natural resource conflicts negatively impacting on the mining communities in Marange and Penhalonga.
- To call upon mining corporates in Marange and Penhalonga to adopt best practices in the management of the natural resource endowment across the value chain.
- To encourage government to embrace the [United Nations guiding principle on business and human rights](#) by enforcing laws that require mining companies to respect human rights and providing guidance to companies on their responsibilities in order for these companies to account for human rights violations.

2. INCIDENCES OF HUMAN RIGHTS ABUSES

| Assault | 10/04/2013 |
|---|---|
| <p>05/04/2013</p> <p>Morgan Mukono aged 30 years ID number 44-008356T44 of Biriri village in Chimanimani and his syndicate of illegal panners were severely assaulted by soldiers at the diamond base after they were rounded up at Masikati Ge Nyame diamond mining concession at 2.00pm of 5 May 2014. According to Morgan they were beaten more than fifty cuts each on the buttocks and were driven to Hot Springs around 6pm the same day where they were released. Morgan sustained deep cuts on the buttocks and he could not walk or sit for a week.</p> <p>08/04/2013</p> <p>Caleb Mtetwa ID number 13198502 X 13 aged 25 years of Gaza in Chipinge was caught by Anjin guards at Chirasika Anjin mining concession at 3.15 am and taken to their base at Anjin mining company. On arrival Caleb was tied to a pole and severely tortured and beaten under the feet the whole night. He was then taken to the diamond base where about fifteen soldiers took turns to beat him. He was later driven and dumped at Hot Springs road block by the police at 6pm the following day.</p> | <p>Tawanda Mukwawaya aged 22 years of Maonde in Sakubva high density suburb ID number 75-648254-C75 and other suspected panners were arrested at Mashuka shuka business centre in Chiadzwa on 09/04/2013 around 1.00 am by a mixed reaction of support unit and soldiers who detained them at their local base. Tawanda was beaten 50 cuts on the buttocks and feet and later on released around 9.30 am. He could hardly walk and was assisted by villagers who took him to Hot Springs where he got transport to visit the nearest clinic to receive medical treatment.</p> |

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25/04/13

Thomas Musarirwa aged 46 years of Mariya in Chipinge was waylaid by a reaction of soldiers and support unit at their syndicate base in Rombe village near Ge Nyame mining concession and taken into custody. He was severely beaten at the diamond base 30 cuts on his back, 15 strokes on both arms and buttocks. He was also forced to sing continuously until the next morning when they drove him to Hot Springs road block and dumped him there.

13/06/2013

Pheneas Mlambo aged 26 years of Madziva was waylaid and captured by six Anjin guards whilst panning for diamonds at Chirasika a mining concession for Anjin during the night. Together with his four other panners they were severely assaulted at Anjin guard room and ordered to sing the whole night whilst lying on the ground. They were set free the next morning but Pheneas had challenges in walking after receiving more that 30 strokes on his feet.



Phineas Mlambo assaulted severely on his feet

15/06/2013

Pearson Murisa ID number 58-223380z-58 of Mbizo in Kwekwe in a syndicate of three panners were spotted carrying diamond ore at six corner Marange Resources mining area around 7.30am by six national eye security guards. Whilst others managed to escape Pearson was caught and assaulted fracturing one of his legs in the process.



Pearson's fractured leg

10/07/2013

Edison Sithole aged 37 years of Jersey in Chipinge in a syndicate of 3 panners were caught panning for diamonds in a tunnel at six corner Marange Resources mining concession. Edison and his syndicate members were brutally assaulted by national eye security guards of Marange Resources. Edison sustained head injuries. He complains of severe headaches and a blurred vision in his right eye.



Edison Sithole

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13/07/2013

Trust Bhebhe age 39 years ID number 29- 168783y29 of Hot Springs Box 180 in Chimanimani and his business colleague Proud Mbambo aged 31 ID number 08617778 Z 28 were severely assaulted at Diamond Base by a strong group of soldiers, riot police and criminal investigation officers from Nyanyadzi Police Station on 13 July 2013. According to Trust, police officers bumped into their shop at Nyanyadzi, confiscated all their office equipment and ordered them to jump into the truck. They were driven to diamond base and upon arrival the CID officers demanded the two to confess to a crime that they didn't know. When the two confessed ignorance of committing any crime they were severely assaulted by the 14 strong security officers.

Describing the incident to CRD, Trust narrated that at first he was visibly shocked when his eyes caught sight of about 6 badly battered panners lying on the ground at the Diamond base. One of the panners identified as "Dread" was given a button stick and ordered to assault Trust and Proud. When he tried to show lenience in the assault, he was severely beaten by the security officers and then commanded to exert the same force in assaulting these two victims. Proud was beaten more than 50 cuts on the buttocks and 30 on the feet. The two sustained serious injuries on their buttocks and feet and were later released around 5 pm on the same day. They travelled to Mutare where they were admitted at Eland hospital for 3 days receiving treatment.

The two who run a photocopying business at Nyanyadzi were accused of photocopying an Anjin identification card for Andrew of Anjin Diamond mine. It is alleged that Andrew then gave the photocopied ID card to an illegal panner so that he could access the diamond fields but he was caught by the police. Trust and Proud described the actions of the police as appalling and illegal. If photocopying an identity card was a crime the police would have filed charges against the duo rather than had them viciously assaulted at the diamond base. Two senior officers at Nyanyadzi Police Station namely Muleya and Mashamba were identified as some of the attackers. Another senior officer Superintendent Cleopas Misi who is based at Birchenough Bridge Support Unit repeatedly ordered the assault according to Proud.

Although the police have returned their machines, these machines have been badly damaged and they have been ordered not to open their shop for business until further notice by the police. Trust and Proud is challenging the legality of this instruction and they have approached the Zimbabwe Lawyers for Human rights for legal counsel. They have also filed a report with the police in Mutare.



Pictures of Proud's severed buttocks and feet

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Dog Bites

Tawanda's injuries
16/04/2013

Tawanda Chitambo ID 75-824432-75 aged 24 years of Sakubva Mutare together with a syndicate of about 5 illegal panners were caught by Anjin guards at Jese Anjin mining concession around 3pm panning for diamonds. The guards set dogs on them and Tawanda sustained deep cuts on his right leg. He was eventually rescued by one of his colleagues who took him to the nearest clinic.

17/04/2013

Talent Zvenyika aged 26 years of Murambinda in Buhera was caught at Anjin mining concession panning for diamonds at 3am in the morning. One Anjin guard let his dog on the defenseless Zvenyika which repeatedly bite him on his left hand whilst the other guard made sure that he will not escape. No arrests were made and Talent was driven to Nenhowe business centre and left there in agonising pain.


Talent Zvenyika's hand repeatedly bitten by Anjin dog
28/06/2013

Severio Itai Madarani aged 46 years of Budiro ID number 77-043035D77 in a syndicate of four panners were caught by Anjin guards at Chirasika Anjin mining concession panning for diamonds at 21.35pm. Severio in his bid to escape lost balance and fell to the ground with an Anjin dog in hot pursuit. He sustained dog bites wounds all over his hands and dislocated his left leg. He was released the next morning.


Promise Maheya's dog bite injuries
23/05/2013

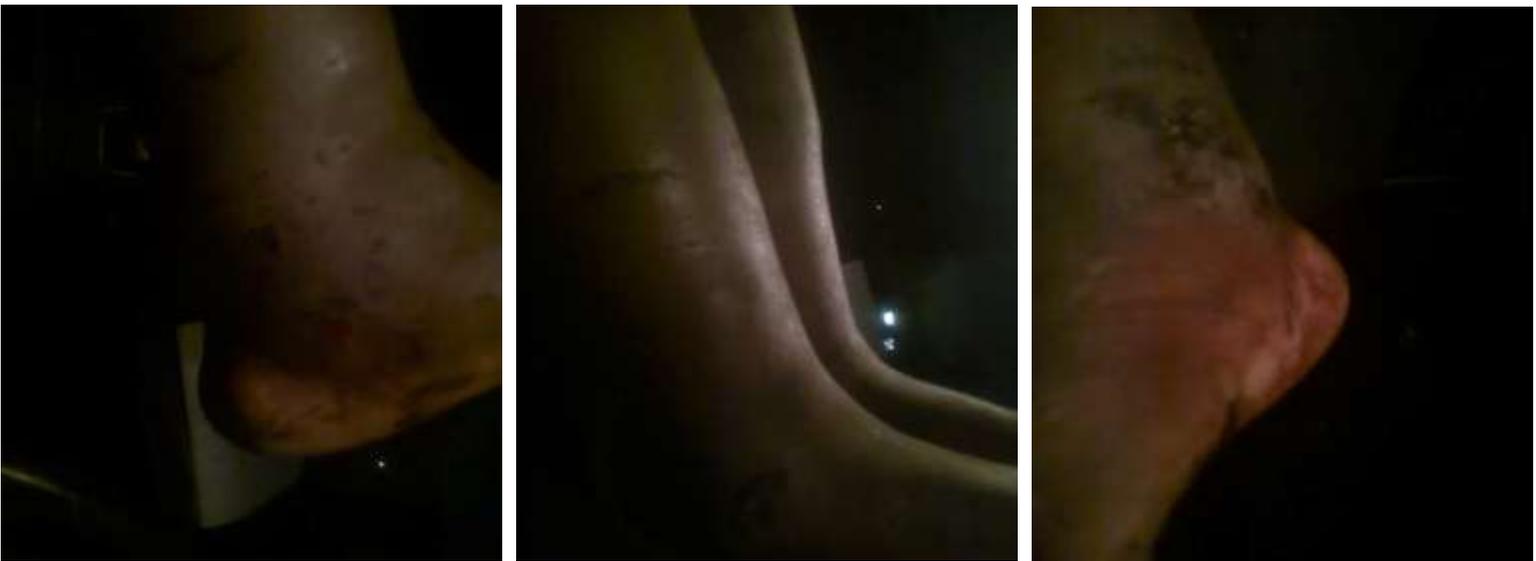
Promise Maheya of Negonde in Kariba ID number 37-0903005-37 was with a group of four panners when they were raided by national eye security guards of Marange resources at Kugomo six corner a Marange Resources mining concession. Two of the panners managed to escape whilst Tendai and Promise were caught and handcuffed. The guards set two dogs on them and they were viciously bitten on the buttocks, legs and hands. The two were taken to the guardroom where more than 20 guards took turns to assault them whilst pouring cold water on their wounds throughout the night. They were then released early in the morning but they could barely walk. The two were later rescued by a group of soldiers on patrol who took them to the diamond base where they received some form of medical assistance and then driven to Hot Springs business centre where they were told to find ways to go to their respective homes.

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28/05/13

Beeval Mutasa ID number 44039936N44 of Thokozani flats, Mzilikazi in Bulawayo was caught by the national eye security guards with a syndicate of 4 panners ferrying two sacks of diamond ore in the Marange Resources concession at 6am. Beeval and his colleague climbed into a tree in their bid to escape but they found themselves surrounded by a group of guards with vicious dogs. The guards ordered them to climb down and then handcuffed them as soon as they got down. They then set dogs on the pair and physically assaulted them whilst handcuffed. Beeval sustained injuries on both legs. They were then taken to the guardroom where they were repeatedly beaten on their buttocks and feet. Beeval claimed that he was beaten 37 strokes under his feet by the security guards. They were later released and Beeval walked twelve kilometers to the main road to meet with CRD field officers who drove him to Nyanyadzi clinic for treatment.

In a brief interview with CRD Beeval cited economic hardships as the reason driving him to pan for diamonds in protected areas. He also lamented the guards for their inhuman treatment of artisanal miners and called upon government to investigate the activities of National Eye Security Company whom he accused of corruption and human rights abuses. According to Beeval in some instances these guards invite them to the fields to pan for diamonds and share profits and in some cases allow them into the fields then attack them in order to please their superiors.



Beeval's dog bite injuries

06/06/2013

Pardon Gudyawa 26 years of Dirikwe Village under Muusha Kraal head was admitted to Nyanyadzi rural clinic after sustaining four deep cut dog bites wounds on his buttocks and arm. Anjin guards set dogs on him at Jese a mining concession of Anjin where Pardon and his syndicate of four people had gone to pan for diamonds.

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06/06/2013

Wellington Maphosa aged 20 years of Chivaza in Gokwe in a syndicate of four panners were caught panning for diamonds at Chirasika a mining concession of Anjin. They were tortured and brutally assaulted by Anjin guards who were armed with vicious dogs the whole night and released the next morning. Wellington sustained a deep cut dog bite wound on his leg.



Wellington sustained a deep cut wound on his leg

Deaths

19/06/2013

Genius Tafadzwa Sori ID number 63-1398455 S 48 aged 22 years of 1688 Chinamano in Epworth Harare was shot and killed by the National Eye Security guards of Marange Resources on Thursday 2am.

Information coming from his close allies indicate that Genius in a syndicate of 4 panners were caught panning for diamonds in Marange resources mining concession. The guards opened fire at the panners shooting Genius and one of his colleagues. Genius died on arrival at Mutambara general Hospital according to these sources. Information availed to CRD by his wife Riana and father Mr. Lacto Sori indicate that Genius had six bullet holes on his back when the two viewed his body at Mutare Provincial Hospital mortuary

No formal explanations were availed to the family by the police or hospital authorities about the incident and although the body had been sewn on the chest as evidence that post mortem had been conducted, the results were not readily made available for the family. Genius was buried at Chizungu Cemetery in Epworth Harare and is survived by a wife and a one year old child.

On the 5th of July the family finally got a burial order from Mutare Provincial hospital which indicated the cause of death as "penetration abdominal injury secondary to gunshot injury." The police at Marange Police Station not only refused with the post mortem results but told Genius's wife that they could not divulge information that led to Genius's death because they are afraid that the information may spill into the media. The officer in Charge however informed Genius' father a few days ago that the state will make an inquest into the death of Genius and the family will be informed of the proceedings in due course.



The late Genius Tafadzwa Sori

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2.1. CRD revisit the case of Joseph Mutasa murdered at DTZ –OZGEO in Penhalonga

The body of Joseph was taken to Parirenyatwa Hospital in Harare by the police for post mortem on 24 April 2013 and attempts by his relatives to accompany the body were denied by the state. Upon its return the police informed the family members that the post mortem result had declared cause of death as “indeterminate due to decomposition” and that it was almost impossible for the police to continue with the investigations because of lack of evidence.

The post mortem result perplexed the family as they could not believe that Joseph’s body had badly decomposed when it was found less than 48 hours after he went missing. Shocked by this outcome the family refused to bury Joseph for more than two weeks demanding a copy of the post mortem results from the police which they could not readily avail. Efforts by the family to seek legal advice in order to conduct an independent autopsy were eventually abandoned due to lack of financial support. The family eventually buried Joseph at their rural home in Watsomba. The mining company DTZ OZGEO whose guards were last seen chasing Joseph only assisted the family with 300 US dollars, 50kg mealie meal, 20 kg of meat, vegetables and 60 litres of diesel to enable the family to conduct the burial process.

Asked about the prospects of compensating Joseph’s family for their loss the mine director Mr. Ismail Shillaev told CRD that although his company guards might have made conducts with Joseph during the chase, there was no evidence to prove that these guards were responsible for Joseph’s death. However members of the community who searched for Joseph on the first day of the incident were shocked to find his dead body the following day on the same spot they had searched the previous day but had not found him. Edwin Mutasa the young brother to the deceased finally managed to get a copy of the disputed post mortem results from the Penhalonga police a month after Joseph’s burial.

2.2. Victims’ families question the behavior of state in the death of their loved ones.

Families of illegal panners who died in the mining fields of Marange and Penhalonga have expressed dissatisfaction in the manner in which the police have been conducting investigations and also what they believe are unconvincing post mortem results. Relatives of Wellington Chizema who was shot and killed at Anjin in 2012 questioned reasons why it took four days for the police to retrieve Wellington’s body from a shallow mining pond. They also questioned the post mortem results which indicated that Wellington had died from drowning when there were clear gunshot holes on his forehead. No further investigations were carried out by the police. The inconclusive post mortem report on Joseph also riled his family who were anticipating compensation from DTZ OZGEO in what had appeared to be a clear case of murder by company guards. The family also accused the authorities at Penhalonga police station of conniving with DTZ OZGEO in concealing information on the death of Joseph. A police investigation on this case has since turned cold. Fears of reprisal on some of the junior police officers handling these cases have also been cited as some of the reasons why the investigations were stalling. The security sector has ventured into mining partnerships with foreign companies in the extractive sector in Manicaland Province.

The state was also quick to defend the perpetrators of human rights abuse in the death of Herbert Manhanga who was shot and killed at Marange Resources on 6 March 2013. What baffled his relatives was the confirmation by the police that they would not be making any investigations because Wellington was shot in a protected area.

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3. Living conditions for Anjin resettled communities deteriorate at Arda Transau

The last two months at Arda Transau has seen simmering tensions between Anjin relocated families and Anjin Diamond mining company amid rising levels of poverty and disenchantment. These families are extremely bitter over the company's failure to meet some of the conditions that they agreed to in 2010 before moving to the relocation area. Up to today families have no reliable source of livelihood because Anjin among a host of issues has reneged on its commitment to provide food handouts and inputs for growing crops. Countless efforts by members of the Arda Community Committee to engage authorities at Anjin over these issues have not been taken seriously by company authorities.

The situation came to a boiling point during preparations for the visit of the Chinese vice premier to Arda Transau when 4 households allegedly chosen for inspection during the visit were awarded food handouts, paint and batteries to generate electricity for their houses. This move prompted a demonstration from disgruntled women and children who waylaid an Anjin official who was distributing food handouts to the selected families and asked him to return the handouts to Anjin until their grievances have been addressed by Anjin. The official Colonel Rommel Mutsvunguma was also told by the demonstrators that the community will greet the Premier on his visit carrying bundles of firewood. Most women and children relocated by Anjin sell firewood for a dollar a bundle at Odzi in order to raise money to buy food for their families. The premier's visit after this demonstration was allegedly called off according to information availed to CRD by the Arda Community Committee (ACC).

On the other hand the government has dashed any hope of normal life for this community after its failure to establish an irrigation scheme 3 year after people have settled at the farm. Work towards installing irrigation pipes at the farm was started in 2012 and immediately abandoned by government.

The relocation exercise has not only deprived this community's right to benefit from the natural diamond resource endowment found in their locality but left them with no sustainable sources of livelihood.



School going pupils mainly from Anjin Relocated community at Arda Transau assisting their families by selling firewood at Odzi in order to sustain a living. Massive deforestation at Arda Transau will have disastrous impacts on the environment.

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3.1 The following table is an evaluation of the tripartite relocation agreement entered into by Anjin, Government and affected communities of Chiadzwa in Marange.

| Relocation commitments agreed to by Government, Anjin and affected families in 2010. | Evaluation of Commitments fulfilled/Unfulfilled July 2013 |
|--|---|
| <p>Three bed roomed houses with electricity for each household. Company to recognise the rights of extended and polygamous families to separate households in line with their traditional practices.</p> | <ul style="list-style-type: none"> • About 474 houses constructed by Anjin for affected families. However the number of houses built is not enough to meet all the families relocated. • 50 extended families 16 from Dzoma, Chirasika 6, gamunorwa 20 and muedzengwa 18 failed to secure households. Entire extended family unit forced to share a household creating overcrowdness. • Company has failed to provide the required houses for the polygamous Kambeni family who are still squatting in temporary shelters at Arda Transau. Kambeni has 14 wives and children. This family’s living conditions is deplorable. • Company installed electricity systems for every household but power has not been connected since 2010. Both government and Anjin are quiet about footing Rural Electrification Agency (REA) and Zimbabwe Electricity Supply Authority bills to ensure that power is connected to these relocated families. According to the Ministry of local government the electricity challenges at Arda Transau may stand to continue because “someone” has to foot the bill of installing electricity. • Some of the houses already developing cracks and need urgent repairs. |



Poor workmanship at the fast tracked Anjin built Houses at Arda Transau causing walls to crack and floors to disintegrate

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|---|---|
| | <ul style="list-style-type: none"> Families disappointed that some members of the uniformed forces have secured accommodation at Arda Transau at the expense of affected families. |
| Half a hectare plot for irrigation | <ul style="list-style-type: none"> The much anticipated project started at a snail pace in 2012 and has since been abandoned by government |
| Four cluster housing units with a central water point | <ul style="list-style-type: none"> Commitment fulfilled, treated water available and managed by Zimbabwe National Water Authority |
| Company to provide every three months food handout allocation of 200kg mealie meal, 20litres cooking oil, 20kgs sugar, 12bars soap, 20kgs beans, 20kgs Kapenta fish and a carton of candles for every household at Arda Transau | <ul style="list-style-type: none"> Inconsistent food supplies from Anjin. Families last received the food consignment in October 2012. Allegations of corruption in food distribution has been leveled against company officials. According to families interviewed sometimes selected families receive food handouts when “special” visitors are visiting the settlements. Families have resorted to selling firewood at Odzi at one dollar a bundle in order to buy a bucket of mealie meal for survival. |
| Company to provide farming inputs e.g. two 50kgs of ammonium nitrate fertilizer, 3 by 50kg compound D fertilizer and 25 kg of maize seed every planting season. | <ul style="list-style-type: none"> Families to date have received one 50kg of compound D fertilizer, one 50kg ammonium nitrate and one 10kg ammonium nitrate since relocating to Arda Transau |
| A clinic to be built at Arda Transau | <ul style="list-style-type: none"> Commitment fulfilled. Ministry of health to regularise operations at the clinic |
| A primary and Secondary school to be built at Arda Transau and teachers’ houses to be built near the schools. | <ul style="list-style-type: none"> Commitment fulfilled however enrolment at the primary school has increased to 1031.7 and more classrooms are required to accommodate the growing number of pupils. Pupils learning in makeshift classrooms at the present moment and the nearest upgraded Wellington Primary School is four kilometers away. |
| Company to provide uniforms, stationery and pay school fees for pupils in the first two years of settlement at Arda Transau | <ul style="list-style-type: none"> Shortages of furniture at the secondary school Company yet to build teachers’ houses. Teachers using accommodation meant for the relocated families. |

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| | <ul style="list-style-type: none"> • Commitment unfulfilled despite assurances from the Chinese Ambassador. Children being sent away for failing to pay school fees. |
| Agreement to prioritise people from Arda Transau to be employed at Anjin diamond mining company | <ul style="list-style-type: none"> • Commitment unfulfilled. Company prefers employing people coming from other regions. The assumption is that locals have handled diamonds during the diamond rush and will do anything to steal this highly valued resource if employed. |
| Company to provide a bus to operate between Mutare and Arda Transau as a mechanism to alleviate transport costs for relocated families. | <ul style="list-style-type: none"> • Commitment unfulfilled. Families are providing for their own transport costs. |
| Each household to receive compensation based on the evaluation carried out in Chiadzwa before relocation | <ul style="list-style-type: none"> • Relocated families are yet to be compensated for loss of property in Marange. Government through the Ministry of local government requested for patience from these families in January 2012 and it is now one year 5months down the line and the government has become silent about the issue. |