



ZIMBABWE

# Deliberate Chaos

Ongoing Human Rights Abuses  
in the Marange Diamond Fields of Zimbabwe

HUMAN  
RIGHTS  
WATCH



## **Deliberate Chaos**

**Ongoing Human Rights Abuses in the Marange  
Diamond Fields of Zimbabwe**

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## Summary

In 2008, Zimbabwe's military launched a bloody crackdown in eastern Zimbabwe after diamonds were discovered in the fields of Marange (otherwise known as Chiadzwa). Police and soldiers, deployed by the government, massacred some 200 people as they seized control of the area. They beat and raped locals, forced them to mine for diamonds, and carried out other human rights abuses. Those responsible have not been held accountable.

Since revealing these abuses in a June 2009 report, "Diamonds in the Rough: Human Rights Abuses in the Marange Diamond Fields of Zimbabwe," Human Rights Watch has continued to research conditions in Marange. It finds that while killings have abated, Zimbabwe's armed forces still control most of the fields, despite a commitment by the government to remove them from the area. Corruption is rife, and smuggling of Marange diamonds by soldiers in the field is prolific. The diamonds continue to benefit a few senior people in the government and their accomplices rather than the people of Zimbabwe as a whole.

Soldiers also continue to perpetuate abuses in Marange, including forced labor, torture, beatings, and harassment, which Zimbabwe's government has failed to investigate or prosecute. State security agents have harassed local civil society researchers attempting to document smuggling and abuses, including members of the Kimberley Process Certification Scheme's civil society coalition. Police and soldiers have barred lawmakers from entering the area when they tried to investigate the illegal awarding of private tenders to mine Marange's diamonds.

Meanwhile, more than 4,000 families from villages in the Marange area are due to be forcibly resettled to make way for diamond operations, potentially contravening international standards on forced relocation. There is also concern about the role of Abbey Chikane, the South African monitor appointed by the Kimberley Process (KP), to devise a "joint work plan" to bring Zimbabwe into compliance with the KP's rules.

As it did in 2009, Human Rights Watch again calls for Zimbabwe to be suspended from the Kimberley Process Certification Scheme (KPCS) due to these continuing abuses, and Harare's failure to implement necessary reforms. It also calls for a halt to the "joint work plan" pending an independent investigation into Mr. Chikane.

The KPCS, which was founded in 2003, is an international group comprising governments, the diamond industry, and civil society groups seeking to halt the trade of so-called “conflict diamonds,” which rebel groups use to finance wars.

However, the KPCS risks becoming irrelevant if it does not address the challenge of “blood diamonds.” These are stones extracted by governments or state agencies in which abuses are committed against their own citizens, as in Zimbabwe.

Control over diamond revenue has become an urgent and divisive issue in Zimbabwe, as the country struggles to recover from a massive economic crisis. Senior members of the Zimbabwe Africa National Union-Patriotic Front (ZANU-PF), the former sole ruling party, stand accused of smuggling Marange diamonds for personal and party self-enrichment. Failure by the KP to suspend Zimbabwe’s membership or continue to ban the certification of Marange diamonds for export would destroy the body’s legitimacy and credibility.

The KP has struggled to address abuses by governments, and the extent to which human rights, which are implicit in its charter, should be protected. The Kimberley Process sent a review mission to Zimbabwe, which found abuses by the armed forces, pervasive smuggling, and failure to satisfy the minimum requirements of KP membership. Despite this, and the review mission’s recommendations that Zimbabwe be suspended, KP members meeting in Swakopmund, Namibia in November 2009 did not. Instead, they proposed a “joint work plan” that gave Zimbabwe an opportunity to meet the KP’s membership requirements, and in due course resume diamond exports from Marange. The plan committed Zimbabwe to a phased military withdrawal without a specific timeframe, directed police to provide security for the area, and provided for a mutually agreed upon monitor to examine and certify all diamond shipments from Marange. Until then, no Marange diamonds could be exported legally.

The KP monitor, Abbey Chikane, visited Zimbabwe twice in 2010 on fact-finding missions organized by the Zimbabwe government. He prepared two reports. The first, based on a mission in March, reported that Zimbabwe had demilitarized a small section of Marange, and put it under the control of two South African companies, which operate as Mbada and Canadile in Zimbabwe, but whose operations did not currently meet KPCS minimum standards.<sup>1</sup> Mr. Chikane’s report focused on technical aspects of the firms’ diamond operations, such as ensuring security around mining sites, rather than the ongoing human

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<sup>1</sup> Kimberley Process Certification Scheme, “Fact Finding Mission by Abbey Chikane, KP Monitor for Marange,” March 21, 2010, <http://www.diamonds.net/zimbabwe/AC-Fact-findingReport220310.pdf> (accessed June 1, 2010).

rights abuses related to the mining. It also glossed over the tendering process by which these two companies—allegedly controlled by senior members of ZANU-PF and the Zimbabwean armed forces—had secured their mining rights.

The second report, released in early June, addressed the military's withdrawal, as mandated by the Kimberley Process. Taking the same position as Zimbabwean officials, Mr. Chikane suggested that this withdrawal be allowed to progress slowly and with international support, in order to avoid chaos on the diamond fields, and the proliferation of individual panning. He also recommended that the Marange diamonds be certified as conflict-free diamonds, because Zimbabwe had met the basic requirements required by the Kimberley Process.<sup>2</sup>

Human Rights Watch's evidence, as set out in this report, suggests that Mr. Chikane's basic analysis of the environment around Marange is flawed along with his proposed recommendations. Human Rights Watch therefore urges KP members to reject both.

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<sup>2</sup> Fact Finding Mission Report by Abbey Chikane, KP monitor for Marange, Zimbabwe, June 2010.

## **Methodology**

Human Rights Watch conducted research in Zimbabwe, most recently in April and May 2010. It investigated human rights abuses in the Marange diamond fields, Zimbabwe's compliance with the Kimberley Process's minimum standards, and the extent to which Zimbabwe has implemented key recommendations of the Kimberley Process's "joint work plan" established in November 2009.

Researchers conducted over 30 one-on-one interviews with members of the Marange community, local leaders, government officials, and officials from companies working in Marange, as well as representatives of human rights organizations and others working in and on the Marange diamond fields. Research also involved examining legal documents and various reports by local organizations and the media on the situation in Marange.

All research was conducted in Harare, the capital of Zimbabwe, and Mutare, Zimbabwe's fourth largest city and the closest major urban center to the Marange diamond fields. Human Rights Watch itself was unable to access the Marange diamond fields because of heightened police and military security in and around the area.



## Human Rights in Marange

### Continuing Abuses: Forced Labor

Although the killings that characterized the first month of the Zimbabwean military's presence in Marange in 2008 has diminished, evidence collected by Human Rights Watch shows that the armed forces continue to control the majority of the fields and to engage in forced labor, torture, beatings and harassment. One community leader told Human Rights Watch:

I have received at least 10 reports in the first week of April alone, from community members, whom soldiers forced to dig for diamonds or who were assaulted for refusing to join informal diamond syndicates run by the soldiers.<sup>3</sup>

One panner told Human Rights Watch that soldiers continue to force Marange villagers to dig for diamonds for no fee. She said:

In February alone, three different groups of soldiers forced me, together with several other villagers, to dig for diamonds and hand them over to the soldiers. Soldiers with guns guard us as we dig.<sup>4</sup>

A community leader also made clear the nature of mining activity on the diamond fields themselves:

Only a small portion of the diamond fields has been allocated to private investors [i.e., Mbada and Canadile]. A vast area of the fields, perhaps more than 95 percent of the diamond fields, remains under military control. Smuggling and illegal diamond digging is rampant in this area.<sup>5</sup>

Human Rights Watch has also received corroborated reports of soldiers harassing and beating community members mainly for allegedly traveling without identity documents, or

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<sup>3</sup> Human Rights Watch interview with Marange community leader, M.M, Mutare, April 10, 2010.

<sup>4</sup> Human Rights Watch interview with panner, P.C, Mutare, April 10, 2010.

<sup>5</sup> Human Rights Watch interview with Marange community leader, M.M, Mutare, April 10, 2010.

attempting to mine diamonds outside the framework of the informal syndicates that the military controls.

### **Private Firms and Military Control**

Reports from Human Rights Watch interviews with members of Parliament in the Portfolio Committee on Mines and Energy, which was set up to investigate the awarding of special grants in the mining area of Marange, indicate that Zimbabwean Mines Minister Obert Mpofu has also ignored the public tender process set out in Zimbabwean law. Mpofu unilaterally nominated two little-known South African-registered companies to mine the Marange fields. The first, New Reclamation Group (Pty) Ltd. (Reclam Group), also operates as Grandwell Holdings. It deals mainly in scrap metal and has no previous diamond mining experience. The second, Core Mining and Mineral Resources, is also involved in the reclamation business and operates as Canadile Investments. Both groups entered into partnership with the parastatal Zimbabwe Mining Development Corporation (ZMDC) to form Mbada Diamonds Mining and Canadile Miners respectively.<sup>6</sup>

Both Mbada and Canadile include shareholders who have formerly served with Zimbabwe's armed forces. Mbada Holdings' shareholders include retired Air Vice Marshal Robert Mhlanga and his daughter, Patience.<sup>7</sup> Canadile Miners' shareholders include retired Brigadier Victor Rongai, retired Colonel Charles Mugari, retired Major-General Charles Ruwodo, and retired Major Lovemore Kurotwi, who himself owns 46 percent of shares in Core Mining and Mineral Resources.<sup>8</sup>

As Zimbabwe attempts to recover from a deep, long-standing economic crisis, the issue of who controls diamond revenue is particularly charged. Human Rights Watch research reveals an ongoing battle for control of the revenue, which estimates put at tens of millions of US dollars, among senior officials from the Zimbabwe Africa National Union-Patriotic Front (ZANU-PF), the former sole ruling party. There are also tensions between ZANU-PF and its notional partner in government, the Movement for Democratic Change (MDC). The MDC's Tendai Biti is Zimbabwe's finance minister.

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<sup>6</sup> Human Rights Watch interviews with ZMDC official, P.K, Canadile official C.M, and mines ministry official, M.M, Harare, April 7, 2010.

<sup>7</sup> Fact Finding Mission by Abbey Chikane, KP monitor for Marange, Zimbabwe, March 21, 2010.

<sup>8</sup> Ibid.

## Corruption and Smuggling in Violation of Kimberley Process Regulations

Widespread smuggling of Marange diamonds continues unabated, benefiting a few individuals who are connected to the military that controls access to the mines, rather than the people of Zimbabwe as a whole. A member of Zimbabwe's Parliament and its Portfolio Committee on Mines and Energy told Human Rights Watch:

Various groups and individuals are closely involved in the smuggling of diamonds from Marange. Individual soldiers are implicated, senior government officials are implicated, and workers of the two private companies operating in Marange are implicated. Our natural resources in Marange are being looted on a massive scale daily. And yet government turns a blind eye and pretends all is well, and wishes for the KPCS and the world to believe all is well in Marange.<sup>9</sup>

One soldier told Human Rights Watch:

It is business as usual. Our syndicates operate in the diamonds fields with the exception of a small portion that has been allocated to two of the private investors, Mbada Holdings and Canadile Miners.<sup>10</sup>

Scores of diamond buyers, acting as middlemen, purchase diamonds from soldiers and workers at the private companies, and then smuggle the stones out of Zimbabwe, either across the nearby land border into Mozambique or via Harare International Airport. One middleman told Human Rights Watch:

As diamond buyers we are still very much in business. We buy mainly from soldiers in the fields or from security guards and workers of Mbada and Canadile companies. The soldiers do not arrest us, they are our business partners. They only target for harassment and beatings those outside their syndicates.<sup>11</sup>

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<sup>9</sup> Human Rights Watch interview with three members of the Parliament Portfolio Committee on Mines and Energy, Harare, April 16, 2010.

<sup>10</sup> Human Rights Watch interview with soldier, A.K, Harare, April 7, 2010.

<sup>11</sup> Human Rights Watch interview with middleman, K.K, Mutare, April 11, 2010.

At the end of January 2010, police charged two senior Canadile company executives with illegal possession of 57 diamonds at a check-point near Marange.<sup>12</sup>

According to government officials interviewed by Human Rights Watch, government monitoring and security at the diamond fields is so lax that staff at Mbada Diamonds Mining were able to secretly transport some 300,000 carats-worth of diamonds from Marange to Harare International Airport, with the goal of exporting them without the knowledge of government agencies charged with security and marketing of diamonds. These agencies include the Ministry of Mines, the Minerals Marketing Corporation of Zimbabwe (MMCZ), the police, and the Zimbabwe Mining Development Corporation (ZMDC).<sup>13</sup>

This incident came to light only when the board chairman for Mbada Holdings, Robert Mhlanga, placed advertisements in national papers, and publicly announced on national television that his company intended to auction Marange diamonds at the airport. At this point, the Mines Ministry sought to stop the sale, claiming it violated Kimberley Process Certification Scheme (KPCS) requirements. Zimbabwe officials interviewed by Human Rights Watch say that the government stopped the auction only because it was embarrassed that it had been made public, and that the sale would have gone unnoticed had Mhlanga not made the announcement.<sup>14</sup>

## **Lost Diamond Revenue and Socio-Economic Deprivation**

Zimbabwe urgently needs financial resources to support economic recovery, and to address continuing social and economic rights violations. According to the United Nations Consolidated Appeal for Zimbabwe 2010, 1.2 million Zimbabweans (of an estimated population of around 12 million) live with the HIV/AIDS virus. Millions lack access to safe water and sanitation.<sup>15</sup> Approximately one-third of children under the age of five are chronically malnourished, and 7 percent of children in this age group suffer from acute malnutrition. Approximately 1.9 million people need food assistance, according to the World Food Programme's 2009 projections for Zimbabwe.<sup>16</sup>

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<sup>12</sup> Human Rights Watch interview with lawyer familiar with case, Mutare, April 11, 2010.

<sup>13</sup> Human Rights Watch interview with senior official, Ministry of Mines and Mining Development, C.K, and police officer A.M, Harare, April 9, 2010.

<sup>14</sup> Human Rights Watch interview with three government officials familiar with operations in Marange diamond fields, Harare, April 17, 2010.

<sup>15</sup> United Nations, "Consolidated Appeal for Zimbabwe 2010," November 30, 2009, <http://ochaonline.un.org/humanitarianappeal/webpage.asp?Page=1826> (accessed June 14, 2010).

<sup>16</sup> Ibid.

Zimbabwe's lack of official transparency, political accountability, and accurate information means that it is difficult to establish the volume of diamonds being smuggled, or to quantify the diamond revenue that is being lost due to smuggling. However, the ongoing existence of a thriving illegal diamond trading center in the small town of Vila de Manica, in Mozambique, barely 100 kilometers from Marange/Chiadzwa and only 30 kilometers from the main Zimbabwe border crossing outside Mutare, strongly suggests the amount remains significant.

According to a senior Ministry of Mines official:

It is difficult to quantify precise volumes of smuggled diamonds, but I believe as much as 60 percent of Marange diamonds are smuggled, and the revenue ends up in pockets of private individuals to the detriment of the country.<sup>17</sup>

He further noted that:

Government has not independently monitored production of diamonds by the private investors; the figures they rely on are those figures that the companies declare to be their production.<sup>18</sup>

Another official said:

Mining of Marange diamonds is characterized by confusion, lawlessness, and chaos; no one really knows what is going on, and, in the context of that confusion, in the dust storm, smuggling of diamonds is taking place on a massive scale, benefiting only a few individuals.<sup>19</sup>

Marange diamonds are a cash cow for a few. The government has the capacity to professionally market Marange diamonds in full compliance with KPCS standards, just as it does with diamonds from Murowa (in south central Zimbabwe) and River Ranch Mine (in south Zimbabwe). The reason why this is not happening is that the prevailing confusion enables a few individuals to benefit at the expense of the nation.<sup>20</sup>

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<sup>17</sup> Human Rights Watch interview with senior official, Ministry of Mines and Mining Development, C.K, Harare, April 9, 2010.

<sup>18</sup> Ibid.

<sup>19</sup> Human Rights Watch interview with Minerals Marketing Corporation of Zimbabwe official, Harare, April 4, 2010.

<sup>20</sup> Human Rights Watch interview with member of Parliament, K.C, Harare, April 6, 2010.

## Planned Forced Relocation of Families from Marange

Zimbabwe's government has announced that it needs to re-settle a total of 4,207 households to make way for expanded diamond mining operations in Marange. It says it has identified a "farm" as the new site for the affected households.<sup>21</sup> Human Rights Watch visited the resettlement area and, according to local residents, it lacks basic facilities for the families, including water, electricity, social infrastructure such as schools, and roads.<sup>22</sup>

There is a serious risk that premature movement of these households will not meet international minimum standards on forced relocation, and could deny residents basic property and housing rights. According to one leader of the Marange community, the government has not conducted any studies on relocation and has not consulted the local community. Nor has it provided compelling reasons to relocate the people of Marange.<sup>22</sup>

## State Persecution of Local Researchers, Questionable Role of the KP Monitor

Human Rights Watch has detailed evidence of Zimbabwean state security agents persecuting researchers working for a local organization documenting smuggling and human rights abuses in the Marange diamond fields.

Most recently, on May 13, 2010, four plainclothes Central Intelligence Organisation (CIO) agents visited the Mutare offices of the Centre for Research and Development (CRD), one of the few local organizations that have investigated the situation in Marange/Chiadzwa. Earlier that week, *The Zimbabwean*—a newspaper published in London that is primarily aimed at Zimbabweans in exile—detailed continued smuggling of Marange diamonds, based on a recent CRD report. CIO officers were unable to speak to CRD employees since the offices were shut that day, but questioned security guards.<sup>23</sup>

On May 21, at noon, two other intelligence agents returned to the CRD office and told security guards at the office they wanted to question CRD employees about a documentary commissioned and produced by the South Africa Broadcasting Corporation (SABC3), allegedly with assistance from CRD. The documentary detailed human rights abuses, diamond smuggling, and other illegal activities in Marange. The agents also demanded documents related to the organization's work, which an employee promised to mail at a later date.

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<sup>21</sup> Fact Finding Mission by Abbey Chikane, KP monitor for Marange, Zimbabwe, March 21, 2010.

<sup>22</sup> Human Rights Watch interview with K.K, Marange community leader, Mutare, April 10, 2010.

<sup>23</sup> Human Rights Watch interview with two security guards, Harare, May 29, 2010.

On the morning of May 25, Farai Maguwu, CRD's director, met with the Kimberley Process monitor, Abbey Chikane, at the Holiday Inn in Mutare. Mr. Maguwu then briefed Mr. Chikane on the continuing human rights abuses, smuggling, and military presence in Marange. Two days later, in the early morning of May 27, four CIO operatives and a dozen police officers from the Criminal Investigations Department (CID) arrived at CRD offices. However, security guards had already alerted employees, who left the building. One senior CRD employee who went back to the office at about 10:30 a.m. was arrested and taken to Mutare Police station where he was questioned and detained for nine hours before being released without charge. His interrogators indicated they wanted to question Mr. Maguwu.<sup>24</sup>

On May 29, journalists in Harare challenged Mr. Chikane about the raids on CRD's offices. Mr. Chikane replied that a Zimbabwean state security official, whom he described as "some naughty intelligence person," had opened his bag, photocopied private emails from KP member-states, and sent them to state-owned media which then published excerpts.<sup>25</sup> Mr. Chikane has still not stated what action he will take in light of the breach or if he has issued a formal public complaint about the Zimbabwean official's conduct.

Police then beat and detained Mr. Maguwu's relatives. Mr. Maguwu, who had been in hiding, turned himself in to police on June 3, in order to protect his family from further abuse. At the time of writing this report, Mr. Maguwu remains on remand and has repeatedly been denied due process rights. His lawyers have informed Human Rights Watch that the police intend to charge Mr. Maguwu with publishing falsehoods to Mr. Chikane.<sup>26</sup> Other CRD employees and members of Mr. Maguwu's family are also in hiding. Human Rights Watch believes that the arrest of Mr. Maguwu is an attempt by the government of Zimbabwe to prevent human rights defenders and other local activists from reporting on the situation in Marange and providing information to the Kimberley Process.

As of Friday, June 11, neither Mr. Chikane, nor Stephane Chardon, the European Union lead official on the Kimberley Process and head of the Kimberley Process Working Group on Monitoring, had spoken out publicly on Mr. Maguwu's behalf even though Mr. Maguwu is a member of the KP's own civil society coalition, a formal partner in the Kimberley Process.

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<sup>24</sup> Human Rights Watch interviews with Centre for Research and Development (CRD) employees, May 29, 2010.

<sup>25</sup> Sandra Nyaira, "Kimberly Process Zimbabwe Monitor Expresses Outrage Over Theft of Documents," *Voice of America*, June 1, 2010, [http://www1.voanews.com/zimbabwe/news/Zimbabwe-KP-Monitor\\_Charges-Documents-Theft-95349344.html](http://www1.voanews.com/zimbabwe/news/Zimbabwe-KP-Monitor_Charges-Documents-Theft-95349344.html) (accessed June 10, 2010) and Vusumuzi Sifile, "Govt spied on diamond monitor," *The Standard*, May 29, 2010, <http://www.thestandard.co.zw/local/24907-govt-spied-on-diamond-monitor.html> (accessed June 10, 2010).

<sup>26</sup> Emails from Mr. Maguwu's lawyers, on file with Human Rights Watch.

## Lack of Meaningful Corrective Action by the Zimbabwe Government

Despite its own pledges to take action—and extensive research provided by several local and international human rights groups, including Human Rights Watch—Zimbabwe’s government has failed to tackle allegations of serious human rights abuses that police and soldiers have committed in Marange’s diamond fields since 2006. It has also not held accountable those responsible for the abuses.<sup>27</sup>

On September 17, 2009, Prime Minister Morgan Tsvangirai of the Movement for Democratic Change (MDC) called for a transparent investigation into allegations of human rights abuses in Marange. Speaking before a foreign investors’ conference he said:

We must, as a government, investigate in an open and transparent manner any human rights abuses that took place so that the innocent victims receive justice and to ensure that the protection of our people is paramount in this new Zimbabwe.<sup>28</sup>

However, the Ministry of Mines and security forces are headed by officials loyal to ZANU-PF not the MDC. No such transparent investigation has yet taken place. Nor has the government in the past seven months made concerted, concrete efforts to permanently remove the military from the Marange diamond fields, as it is obliged to do under the “joint work plan.” Military brigades continue to rotate into Marange, including most recently the Artillery Brigade. On January 30, 2010, the Artillery Brigade replaced the Harare-based Mechanised Brigade.<sup>29</sup>

This year Zimbabwe’s parliament set up a Portfolio Committee on Mines and Energy to investigate the irregular awarding of tenders to private investors who formed the partnership with ZMDC to mine Marange diamonds.<sup>30</sup> However, the military and police have barred the

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<sup>27</sup> See Human Rights Watch, *Diamonds in the Rough: Human Rights Abuses in the Marange Diamond Fields of Zimbabwe*, ISBN: 1-56432-505-9, June 2009, <http://www.hrw.org/en/reports/2009/06/26/diamonds-rough-o>. Partnership Canada Africa Report on Marange and the KPCS final report of the Review Mission to Zimbabwe.

<sup>28</sup> Zimbabwe Prime Minister, Morgan Tsvangirai’s address to foreign investors at mining conference, Harare, September 17, 2010.

<sup>29</sup> Human Rights Watch interview with army captain familiar with military deployment in Marange, Harare, April 18, 2010. See also, Farai Maguwu, *Chaos Reigns Supreme in Marange Diamond Fields*, Southern Africa Resource Watch, Issue 9, February 2010.

<sup>30</sup> Human Rights Watch interview with three members of the Parliament Portfolio Committee on Mines and Energy, Harare, April 16, 2010.



committee from visiting Marange on several occasions. Senior government officials, including Mines Minister Obert Mpofu, and company executives for both Mbada and Canadile, have also refused several requests to appear before the committee. When they did finally appear before the committee, they insisted that the proceedings be held in camera, and still refused to respond to specific questions about Marange's mining operations.<sup>31</sup>

One Zimbabwean Member of Parliament familiar with the investigation process noted:

There is resistance from the Ministry of Mines and the two investors to be open and transparent about their operations, or to give frank and useful information to the parliamentary committee set up to investigate the mining of diamonds in Marange.<sup>32</sup>

Prime Minister Tsvangirai has continued to raise concerns about operations in Marange, but appears unable to influence government policy on the matter. On May 16, 2010, his MDC party, issued a statement expressing concern at the lack of transparency and due process regarding the handling of diamonds in Marange and the granting of concessions and mining rights there. The MDC also called for all income from Marange diamonds to be accounted for transparently. Tsvangirai added that the government should speed up compliance with KPCS minimum standards, and that the people of Marange should be treated with decency, fairness, and due process, particularly with respect to compensation and relocation.<sup>33</sup>

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<sup>31</sup> Ibid.

<sup>32</sup> Human Rights Watch interview with member of Parliament, K.C, Harare, April 6, 2010.

<sup>33</sup> Resolutions of the MDC National Council Harvest House, May 16, 2010.

## **Recommendations**

### **To Members of the Kimberley Process Certification Scheme**

- Call for an end to human rights abuses and smuggling in Marange and demand transparency and accountability within Zimbabwe's diamond industry.
- Suspend Zimbabwe until these conditions are fulfilled, suspend the "joint work plan," and continue to refuse to give Marange diamonds Kimberley Process certificates.
- Call for the release of Farai Maguwu from prison and restore all confiscated computers, files, and materials that belonged to his organization. Announce an independent investigation into the circumstances leading to Mr. Maguwu's arrest, harassment, and continued incarceration after he met with the Kimberley Process monitor, Abbey Chikane.
- Address past and continuing human rights abuses in Marange and recognize human rights issues as a fundamental element of the Kimberley Process Certification Scheme mandate.

### **To the Power-sharing Government of Zimbabwe**

- Facilitate an independent investigation into past and ongoing human rights abuses in Marange, hold accountable anyone found responsible for the abuses, and provide remedies and justice for victims.
- Cease harassment of the Centre for Research and Development and its staff and ensure that the human rights and due process rights of its staff, as guaranteed under the Zimbabwe constitution, are fully respected.
- Implement the government's earlier commitment to completely withdraw the armed forces from Marange's diamond fields, and transfer security responsibilities to the police.
- Urgently and fully comply with the Kimberley Process Certification Scheme's minimum standards, including ensuring adequate and transparent controls within Zimbabwe's diamond industry to reduce smuggling and human rights abuses.
- Investigate the necessity of relocating communities residing in and around the diamond fields. If the relocation is strictly necessary, ensure that it proceeds according to international standards governing relocation, including transparent and informed consultations, full community involvement, and adequate compensation and relocation to homes of at least equivalent value.
- Ensure transparency and accountability of Marange diamond revenue, allowing the people of Zimbabwe to be the prime beneficiaries of this natural resource.

- Facilitate an impartial, independent investigation into the alleged breach of Kimberley Process Monitor Chikane’s privacy that led to the opening of his bag and removal of private emails. Take appropriate action against those responsible.

### **To Neighboring Countries, including Mozambique, South Africa, Namibia, & Botswana**

- Take appropriate measures to stop Marange diamonds from entering domestic diamond industries or contaminating legitimate international trade.
- To South Africa in particular: in order to protect the credibility of South Africa’s own diamond industry, announce an immediate, independent investigation into South African companies or individuals handling Marange blood diamonds or who are involved in diamond mining; and take appropriate measures to discourage companies from investing in Marange until human rights abuses there have ended.

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## Deliberate Chaos

### Ongoing Human Rights Abuses in the Marange Diamond Fields of Zimbabwe

Human rights abuses remain rampant in Marange, the diamond-mining area of eastern Zimbabwe. Military personnel continue to engage in forced labor and to punish those who seek to mine outside of soldier-run syndicates. Torture, beatings, and harassment are also prevalent in this community, which faces forced relocation without adequate compensation from the diamond-rich areas in which they make their homes. As this report went to press, a Zimbabwean civil-society activist was in prison for having divulged sensitive information about persistent human rights abuses in Marange.

The Kimberley Process Certification Scheme, an international group that monitors the diamond trade and seeks to restrict the sale of conflict diamonds, meets in Israel in June 2010. (Israel is the current chair.) Kimberley Process members should suspend Zimbabwe and withhold shipment of diamonds from Marange until the abuses documented by Human Rights Watch have ceased.

Zimbabwe should comply with recommendations made by the Kimberley Process in November 2009 to demilitarize the diamond fields and end the rampant smuggling of diamonds. As Zimbabwe recovers from a man-made humanitarian crisis, Human Rights Watch also calls on the government to account for lost diamond revenue from Marange and use this revenue to improve socioeconomic conditions in the country.

*Miners dig for diamonds in Marange, Zimbabwe.*

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