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DOI: [https://dx.doi.](https://dx.doi.org/10.18820/24150509/SJCH47.v1.4)

[org/10.18820/24150509/](https://dx.doi.org/10.18820/24150509/SJCH47.v1.4)

SJCH47.v1.4

ISSN 0258-2422 (Print)

ISSN 2415-0509 (Online)

Southern Journal for  
Contemporary History

2022 47(1):51-77

**PUBLISHED:**

30 June 2022

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## PANDEMIC CRISIS: OLD REPRESSIONS RENEWED AMID ANTI-COVID-19 LOCKDOWN IN ZIMBABWE, c.2020 - 2022

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**ABSTRACT**

*This study discusses how during the Covid-19 pandemic, government agents in Zimbabwe controlled and supervised Zimbabwean citizens through repressive methods that were meant to entrench the position of President Emmerson Mnangagwa. It posits that since Covid-19 took place in a conflict-ridden Zimbabwean environment, it paved the way for new conflicts to emerge while the existing ones were reshaped. Furthermore, it argues that Covid-19 offers an interesting case to examine how international relations and geopolitical considerations influenced the initial stance and reaction to Covid-19 in Zimbabwe. Zimbabwe's initial reaction to the outbreak of the Coronavirus was largely dictated by its narrow foreign policy rather than epidemiological/immunological considerations. It concludes that the Covid-19 lockdown facilitated the Mnangagwa regime's intention to make Zimbabwe a de facto one-party state, as witnessed by the closure of democratic space under the guise of enforcing lockdown regulations.*

**Keywords:** *Authoritarianism, Conflict, Crisis, lawfare, Covid-19, corruption, politics*

### 1. INTRODUCTION

One of the enduring issues on the African continent remains the building of sustainable democratic institutions that guarantee human security for all. In light of this vision, this article examines the Covid-19 pandemic's spread in Africa in general and Zimbabwe in particular,

discussing how this exacerbated political instability by causing disruption within governments, worsening existing challenges and increasing tensions between ordinary citizens and the ruling elite. It will further argue that the use and extension of emergency powers in countries such as Zimbabwe represented a threat to human rights and the consolidation of democracy by giving incumbents a ready excuse for authoritarianism.<sup>1</sup> As will be shown, Covid-19 provides a rare opportunity to articulate how authoritarian regimes utilise the opportunities presented by the global viral existential threat to entrench authoritarianism and political advantages over political rivalries whose activities were emasculated by anti-Covid-19 lockdown regimes.<sup>2</sup> Although Paddington Mutekwe and Kudzaishe Peter Vanyoro present Covid-19 as merely an “excuse” which the Zimbabwean government took advantage of, this study views the pandemic as one of the available resources that the ruling party mobilised to entrench its protracted power retention scheme.<sup>3</sup> Thus, this discussion adds to conversations around how the ruling ZANU-PF government in Zimbabwe survives through chicanery and violence to perpetuate its control of the state.<sup>4</sup> Viewed from this perspective, the manipulation of Covid-19 interventions is part and parcel of what Eldred Masunungure has characterised as, “an uninterrupted progression of various shades of authoritarianism, first under white-settler colonialism from 1890 to 1979 and under a black postcolonial regime since 1980”.<sup>5</sup>

Despite the fact that authoritarianism has a long history in Zimbabwe that has received significant scholarly attention, the trajectory which this process has taken under an international pandemic is worth examining. Therefore, this article’s immediate concern is to engage with how anti-Covid-19 measures relate to the existing authoritarianism, polarisation and conflicting positions within Zimbabwean society and what opportunities are available for sustainable peace and security. It demonstrates that since the outbreak of the Covid-19 pandemic occurred when Zimbabwe’s so-called New Dispensation was grappling with a myriad of challenges, including a discredited controversial electoral win in 2018 and widespread poverty, it added another layer of contention to Zimbabwe’s crisis.

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1 TK Hartman *et al.*, The authoritarian dynamic during the Covid-19 pandemic: Effects on nationalism and anti-immigrant sentiment, *Social Psychological and Personality Science* 12 (7), 2021, pp. 1274-1285.

2 Hartman *et al.*, “The authoritarian dynamic during the COVID-19 pandemic”.

3 P Mutekwe and KP Vanyoro. Politicising ‘Covid-19’: an analysis of selected ZANU-PF officials’ 2020-2021 media statements on the pandemic in Zimbabwe, *Acta Academica: Critical views on society, culture and politics*, 53 (2), 2021, pp. 12-37.

4 EV Masunungure. Zimbabwe’s militarized, electoral authoritarianism, *Journal of International Affairs* 65 (1), 2011, pp. 47-64.

5 Masunungure, “Zimbabwe’s militarized, electoral authoritarianism”, p. 49.

While Covid-19 presented real and substantial public health challenges which necessitated changes in societal norms, its controversial impact on certain democratic practices is unquestionable. The magnitude of Covid-19's interference in democratic processes in Africa is apparent when one considers that in 2020, for instance, at least 22 countries were scheduled to hold either local government, parliamentary or presidential elections which by mid-year had not been conducted.<sup>6</sup> The strategies adopted to prevent the spread of the pandemic centred on restricting people to their homes, border closures, travel restrictions and banning large gatherings; hence continuing with elections in the Covid-19 era became controversial as it elicited different reactions from various societal classes in Africa. In countries like the Central African Republic (CAR), Uganda and Burundi, incumbents brazenly weaponised anti-Covid measures to extend their stay in power while some cases, including the deaths of Presidents Pierre Nkurunziza of Burundi and John Pombe Magufuli of Tanzania allegedly from Covid-19, revealed the disastrous consequences of Covid-19 denialism by ruling elites.<sup>7</sup> Yet it is important to state that not all authoritarian governments utilised anti-Covid regimes to improve their electoral prospects. For instance, the elections in Mali, Tanzania, Guinea and Côte D'Ivoire lacked credibility, but none of them involved the use of pandemic measures to either restrict campaigning or suppress voting.<sup>8</sup> In light of these emerging trends, this study utilises the Zimbabwean case to examine how, like many public health threats in the early years<sup>9</sup>, Covid-19 created extraordinary circumstances for restricting civil liberties, free speech and human rights while intensifying the possibilities of an emerging authoritarianism.<sup>10</sup> It posits that in Zimbabwe, anti-Covid-19 measures are a tool in a vast array of undemocratic options that are available for the incumbents to retain and solidify their hold on power. Ultimately, it argues that in a conflict-ridden Zimbabwean environment, Covid-19 has paved the way for new conflicts to emerge while the existing ones have been reshaped.

6 MR Rupiya, "Covid-19 and elections in Africa: protecting the vote or the voter?", 22 July 2020. <https://www.accord.org.za/analysis/covid-19-and-elections-in-africa-protecting-the-vote-or-the-voter/?fbclid=IwAR0rxmWdIWEDiziSkS7aP9YckIN3LjHagQciJd2FANju1H1tm7DEtgSbnl>, accessed 10 August 2020.

7 Rupiya, "Covid-19 and elections in Africa".

8 R Martin, "Are Covid-19 measures being used to stifle democracy in Africa?", 12 March 2021, <https://globalriskinsights.com/2021/03/are-covid-19-measures-being-used-to-stifle-democracy-in-africa/>, accessed 15 June 2021.

9 See, for instance, K Brown, *Mad dogs and Meerkats: A history of resurgent rabies in Southern Africa* (Ohio: Ohio University Press, 2011).

10 S Thomson and EC Ip, Covid-19 emergency measures and the impending authoritarian pandemic, *Journal of Law and the Biosciences* 7 (1), 2020, pp. 1-33.

## 2. THEORETICAL PERSPECTIVES

In his seminal work on the concept of epidemic psychology, Phillip Strong argues that large-scale epidemics of fatal diseases present serious obstacles to social order by producing “fear, panic, stigma, moralising and calls to action”.<sup>11</sup> Using this concept, this paper discusses how anti-Covid-19 measures have been mounted and deployed in an environment where there are large numbers of citizens marginalised in an informal and subsistence economy dominated by self-employed street vendors and an increasingly autocratic, military-backed government. As the Zimbabwean case will show, grinding poverty at first precluded access to vaccines when they first became available in very limited quantities and access to medical health facilities for Covid-19 related complications.<sup>12</sup> Furthermore, as will be shown, lockdown conditions and the first Covid-19 death initially motivated ZANU-PF financier Kudakwashe Tagwirei to refurbish St Anne’s Hospital in Avondale and the Rock Foundation Medical Centre (sometimes called the Arundel Mediclinic and Arundel Hospital) in Mt Pleasant Rock Foundation Medical Centre, for exclusive use by the ruling elite while the majority had to contend with the vagaries of a broken-down national health delivery system.<sup>13</sup> Furthermore, the state’s intervention centred on an arbitrary shutdown of urban spaces buttressed by an inadequate, partisan distribution of food aid to a few vulnerable families.<sup>14</sup> Regulations requiring travellers to produce valid Covid-19 test certificates on arrival were established at official points of entry, while those without these certificates were transferred to provincial centres to be tested and granted certification if their results were negative. Migrants who tested positive remained in isolation centres, while those that tested negative were quarantined. Produce markets across the country were shut down and reopening them turned out to be a serious challenge because traders and consumers tended to stick together or operate in groups and, in the process, violated lockdown restrictions.<sup>15</sup> The closure of some supermarkets, boarding

11 P Strong, Epidemic psychology: a model, *Sociology of Health & Illness* 12 (3), 1990, p. 249.

12 See B Banda Chitsamatanga and W Malinga, “A tale of two paradoxes in response to Covid-19”: Public health system and socio-economic implications of the pandemic in South Africa and Zimbabwe, *Cogent Social Sciences* 7 (1), 2021, pp. 1-19.

13 “Zimbabwe judge rejects bid to stop Covid-19 hospital for the ‘political elite’”, *Medical Brief*, 8 April 2020, <https://www.medicalbrief.co.za/zimbabwe-judge-rejects-bid-to-stop-covid-19-hospital-for-the-political-elite/>, accessed 8 April 2020.

14 See, for instance, C Mavhunga, “Amnesty: Zimbabwe playing politics with food aid distribution”, 7 May 2020. [https://www.voanews.com/a/covid-19-pandemic\\_amnesty-zimbabwe-playing-politics-food-aid-distribution/6188896.html](https://www.voanews.com/a/covid-19-pandemic_amnesty-zimbabwe-playing-politics-food-aid-distribution/6188896.html), accessed 10 March 2022.

15 I Scoones, “Covid-19 lockdown in Zimbabwe: a disaster for farmers”, 30 April 2020, <https://www.future-agricultures.org/blog/covid-19-lockdown-in-zimbabwe-a-disaster-for-farmers/>, accessed 10 June 2020.

schools, universities, hotels, restaurants, and churches led to a decline in demand for food, a disaster for farmers in Zimbabwe. More importantly, anti-Covid-19 measures in Zimbabwe were implemented in a uniquely deeply fractured society emerging from a military coup and controversial elections. Hence, the country is ruled by a desperate civilianised military government that is eager to protect its political power. As will be shown, anti-Covid-19 measures gave state agents power to monitor the movements as well as the health of individuals and groups to require constant self-checking and self-carceralisation measures.<sup>16</sup> Thus, Covid-19 “is part of a package of ‘organic’, i.e. genuine, threats to human security that are prone to instrumentalisation by forces hostile to the protection of human rights”.<sup>17</sup> As the Zimbabwean situation demonstrates, Covid-19 accelerated the drive towards the centralisation of state power while restricting opportunities for the redistribution of power to citizens.

### 3. FALLING VICTIM TO OWN PROPAGANDA?

Efforts to understand Coronavirus at the state level in Zimbabwe did not diverge from the challenges that normally accompany the outbreak of such a dangerous disease in any society. This quandary or crisis of explanation is better posited by Strong, who articulates that there are,

Epidemics of explanation, moralisation and action, epidemics which can be a response both to the plague itself and to the plague of fear. Thus, when a disease is new and there are no routine collective ways of handling it, a thousand different converts may spring up drawn from every part of society, each possibly with their own plan of action, their own strategy for containing and controlling the disease. Moreover, this epidemic of converts, actions and strategies is matched by an epidemic of interpretation. When an epidemic is novel, a hundred different theories may be produced about the origins of the disease and its potential effects. Many of these are deeply moral in nature. All major epidemics pose fundamental metaphysical questions: how could God – or the government – have allowed it? Who is to blame? What does the impact of the epidemic reveal about our society?<sup>18</sup>

This statement helps us to understand the context in which, as will be shown below, Zimbabwe’s odd explanation for the pandemic emanated. It is important to underscore that, at a regional level, some authoritarian African leaders were influenced by their religious and mystical stances as guiding

16 F Debrix, and AD Barder, Nothing to fear but fear: Governmentality and the biopolitical production of terror, *International Political Sociology* 3 (4), 2009, pp. 398-413.

17 L Cooper and G Aitchison, *The dangers ahead: Covid-19, authoritarianism and democracy* (London: LSE Conflict and Civil Society Research Unit, 2020).

18 Strong, “Epidemic psychology: a model”, p. 254.

principles for anti-Covid-19 measures. For example, former Burundian President Nkurunziza – an Evangelical church fanatic – decreed that prayer would protect people from Covid-19; hence, Burundi did not take specific anti-Corona measures.<sup>19</sup> Like Nkurunziza, who “officially” died of a heart attack on 8 June 2020, former Tanzanian president Magufuli, a devout Catholic, passed away in March 2021 after failing to manage the first wave of the pandemic. In fact, Magufuli prematurely declared the “end of Covid” just a few months after the first outbreaks in the country.<sup>20</sup>

Likewise, Zimbabwe’s initial reaction to the outbreak of Covid-19 was largely dictated by its narrow foreign policy rather than epidemiological/immunological considerations. As will be shown in this section, this initial approach had far-reaching consequences on the country’s ability to mount a vibrant anti-Covid-19 response. The Zimbabwe government’s initial stance vacillated from denialism and paranoia to the spread of outright lies that it had enough capacity to contain the disease even in the absence of a functional healthcare system. From the very start, the ruling elite insisted that their measures were relevant and accurate, arguing that those who criticised their strategies were merchants of Western propaganda. It is interesting to examine how international relations and geopolitical considerations partly influenced the initial stance and reaction to Covid-19 in Zimbabwe. It emerged at a time when China had become the major economic player in Africa, with several regimes depending on its “benevolence”.<sup>21</sup> In particular, Zimbabwean state officials struggled to develop a sound policy akin to the West’s initial travel bans and criticisms of how China had handled the situation. As will be shown, official state propaganda in Zimbabwe casts China as an all-weather friend. Thus, this historic relationship influenced how they framed their initial anti-Covid-19 pronouncements and how this resulted in the loss of valuable opportunities to lock out visitors from the epicentre of the disease. Interestingly, before the pandemic had become a global threat, the Zimbabwean government even pronounced preparedness to assist China in the face of the pandemic. However, within a few weeks, it was China instead that was assisting Zimbabwe by sending packages of masks and health experts. By 2022, China had become the largest provider of anti-Covid vaccines to the Zimbabwean state.

19 F Eboko, “Authoritarianism and Covid-19: The complex realities of public action in Africa”, French Research Institute for Sustainable Development (IRD), 7 July 2021. <https://www.ispionline.it/en/publicazione/authoritarianism-and-covid-19-complex-realities-public-action-africa-31073>, accessed 10 December 2021.

20 Eboko, “Authoritarianism and Covid-19: The complex realities of public action in Africa”.

21 W Mwatwara and U Kufakurinani, Another round of plunder? China, Africa, and international politics through the lens of the Mugabe government, ca. 2000 to 2016. In: F Onditi *et al* (eds.), *Contemporary Africa and the Foreseeable World Order* (London: Lexington Books, 2019).

In order to appreciate Zimbabwe's responses to the Covid-19 pandemic, it is worth noting its peculiarities. Anti-Covid-19 measures are capital-intensive, making overwhelming the financial burden towards eradicating it. Since hard lockdowns were the main measure, the international economy was at a standstill, inflicting a massive blow on economies, especially those that did not have capacity to cushion their citizens.<sup>22</sup> The economic deterioration in the stable economies of the West suggested that the pandemic was to be devastating to extremely financially constrained African governments, including that of Zimbabwe. As the Covid-19 pandemic spread rapidly across some European countries, there was a general belief that it could be restricted to colder climates and to areas outside Africa.<sup>23</sup> As a result, African governments were slow to take the necessary precautions such as travel restrictions, closure of borders, and containment measures. Some believed, as was the case with the SARS 1 virus, that Covid-19 would be contained in Asia and Europe and, therefore, adopted a laissez-faire approach.<sup>24</sup> Yet it is also important to emphasise that the case-fatality ratio (CFR) for Covid-19 in Africa was lower than the global CFR; hence some argued that African governments had tapped into their existing experiences with other diseases such as Ebola and HIV to mount relatively robust disease control mechanisms, scarcity notwithstanding.<sup>25</sup>

As global efforts to understand Covid-19 intensified, the stance initially taken by the government of Zimbabwe, as articulated by its Minister of Defence and War Veterans, Oppah Muchinguri-Kashiri, was baffling. The minister argued that there was nothing to be feared as the virus was unleashed by God to deal with then United States of America (USA) President Donald Trump, and other Western countries for imposing sanctions on Zimbabwe.<sup>26</sup> Muchinguri-Kashiri remarked, "Coronavirus [Covid-19] is the work of God punishing countries that imposed sanctions on us. They are now keeping indoors. Their economies are screaming just like they did to ours. Trump should know that he is not God."<sup>27</sup> Two things are worth noting if these comments are to be placed into their proper context. Firstly, the minister's comments came when Zimbabwe had not yet officially registered a Covid-19

22 T Dzinamarira *et al.*, Covid-19: A perspective on Africa's capacity and response, *Journal of Medical Virology* 92 (11), 2020, pp. 2465-2472.

23 Dzinamarira *et al.*, "Covid-19: A perspective on Africa's capacity and response".

24 Dzinamarira *et al.*, "Covid-19: A perspective on Africa's capacity and response".

25 *BBC News*, 8 October 2020, <https://www.bbc.com/news/world-africa-54418613>, accessed 8 October 2020.

26 *TimesLIVE*, 16 March 2020, <https://www.timeslive.co.za/news/africa/2020-03-16-zim-ministers-bizarre-coronavirus-claim-its-to-punish-the-west-for-sanctions/>, accessed 10 June 2020.

27 *TimesLIVE*, 16 March 2020.

case, even though the Senior Hospitals Doctors Association (SHDA) argued then that the country was ill-prepared and incapacitated to detect the virus.<sup>28</sup> Secondly, Zimbabwe had just received a new round of international sanctions from the USA and the European Union. In fact, in February 2020, a month before the first lockdown in March 2020, the European Union removed posthumously Robert Mugabe, former president of Zimbabwe, from its sanctions list, but maintained them on his widow, Grace Mugabe, as well as Vice-President Constantino Chiwenga, Agriculture Minister Perrance Shiri (who later died from Covid-19), Zimbabwe Defence Forces Commander Phillip Valerio Sibanda as well as Zimbabwe Defence Industries (ZDI), which is the government's weapons dealership.<sup>29</sup> This extension of targeted sanctions on Zimbabwe came at a time when the ruling elite strongly believed they would be softened given the global Covid-19 pandemic, and this partly explains this outburst.<sup>30</sup>

Nonetheless, Muchinguri-Kashiri's statement was reckless political banter that was undiplomatic and offensive to the US and other Western countries. Her comments lacked substance because when she made this irresponsible statement, Covid-19 was already in some African countries, for example, South Africa. It was therefore not logical to think that Zimbabwe would be spared from the Covid-19 pandemic. This notwithstanding, her words reveal the tempo at which some government officials tackled the crisis, including how the state kept its borders open to visitors coming from China, the original source of the disease.

For a government that came through a coup which some have described as having been "made in China", the stance was good for their international relations but at the expense of Zimbabwean citizens.<sup>31</sup> If anything, Muchinguri-Kashiri's stance that it was "punishment" from God was myopic because China, with which Zimbabwe shares historical similarities as victims of colonialism, was, in fact, on its knees too. Despite occupying a very strategic ministerial position, Muchinguri-Kashiri's volatility and illogicality exposed the state to her diplomatic gaffes. In fact, Muchinguri-Kashiri's sentiments vacillated, and, at times, China, then a major supplier of anti-Covid-19 vaccines to the Zimbabwean government, was not spared. For instance, after several of her colleagues had died from Covid-19, in December 2020 and

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28 *TimesLIVE*, 16 March 2020.

29 *The Zimbabwe Mail*, 17 February 2020, <https://www.thezimbabweemail.com/main/eu-renews-economic-sanctions-on-zimbabwe/>, accessed 10 June 2020.

30 "U.S. extends Zimbabwe sanctions citing govt repression", 6 June 2020, <https://www.africanews.com/2020/03/06/us-extends-zimbabwe-sanctions-citing-govt-repression/>, accessed 10 June 2020.

31 *CNN*, 18 November 2017, <https://edition.cnn.com/2017/11/17/africa/china-zimbabwe-mugabe-diplomacy/index.html>, accessed 10 June 2020.

January 2021 and with 27 000 Zimbabweans infected with the virus, including 683 deaths, she revealed her xenophobic and undiplomatic sentiments when she lamented, "Isn't it that there is another serious upsurge of Covid-19 cases in China? It's them who had botched experiments. Now that's killing us. They can't reverse it anymore. Look at where the people we call friends have taken us to."<sup>32</sup> Unlike her earlier outburst where she had lampooned the West, her colleagues in government quickly distanced themselves from her statements, arguing that they did not represent government policy.<sup>33</sup> All of this reflects Zimbabwe's international relations and how they shaped policy choices. Nonetheless, Muchinguri-Kashiri was guilty of stigmatisation of the epidemic, and her position broadcast the bankruptcy of ideas then concerning the pandemic. Indeed, Simukai Chigudu lamented "at a time when international cooperation is paramount in responding to the pandemic, Muchinguri-Kashiri's careless political statements and insensitivity to the collective anxieties that have gripped the world"<sup>34</sup> This served to buttress the view that the Zimbabwean government is a "kakistocracy".<sup>35</sup>

Once it became clear that Covid-19 had taken root in the country, an inter-ministerial anti-Covid-19 taskforce was appointed and, as the Minister of Defence and War Veterans, Muchinguri-Kashiri became part of it. Government critics observed that this committee was composed of people without sufficient medical knowledge to be able to develop a robust anti-Covid-19 policy. While this team worked, the following pertinent questions were not properly articulated: If or when the coronavirus begins to spread in Zimbabwe, how would social distancing work? How would informal businesses and the livelihoods of the poor be protected in the event of a shutdown?<sup>36</sup> Since Zimbabwe's public health sector already faced viability challenges at the time that Covid-19 erupted, the general public expected the taskforce to offer solutions beyond merely claiming that the country was well-prepared to face the challenge. These claims were unmasked as untrue with the death of Zororo Makamba at the Wilkins Hospital, designated as the main quarantine facility for coronavirus patients in Zimbabwe's capital, Harare, on

32 VOA News, 17 January 2021, [https://www.voanews.com/a/africa\\_zimbabwe-minister-accuses-china-manufacturing-covid-19/6200844.html](https://www.voanews.com/a/africa_zimbabwe-minister-accuses-china-manufacturing-covid-19/6200844.html), accessed 17 January 2021.

33 VOA News, 17 January 2021.

34 S Chigudu, "From cholera to corona: The politics of plagues in Africa", March 2020, <https://africasacountry.com/2020/03/from-cholera-to-corona-the-politics-of-plagues-in-africa>, accessed 10 June 2020.

35 A kakistocracy is a government formed by the least suitable or competent citizens. See V Abadjian, "Kakistocracy or the true story of what happened in the post-Soviet area", *Journal of Eurasian Studies* 1 (2), 2010, pp. 153-163.

36 Chigudu, "From cholera to corona".

29 March 2020.<sup>37</sup> Makamba became the country's first coronavirus casualty, and it shocked many because he came from a wealthy, high-profile family. Although, at the time, most Western countries were reeling in the face of increased bed occupancy, Zimbabwe's failure to deal with its only fatal case placed its unpreparedness under the spotlight. For instance, Wilkins Hospital, where Makamba died, did not have a ventilator for its single patient.<sup>38</sup>

Once Covid-19 arrived, its associated challenges became a death knell to the health sector, which had for a long time been volatile. Many doctors had fled the country owing to inadequate remuneration and poor working conditions in government hospitals.<sup>39</sup> In 2019, the deplorable state of healthcare provision even prompted doctors' associations to accuse the government of "silent genocide".<sup>40</sup> Admitting these serious inadequacies would not have added lustre to President Emmerson Mnangagwa's self-proclaimed New Dispensation. His strategies for controlling the epidemic followed closely those of South Africa so much so that his critics accused him of resorting to a "copy and paste" of South Africa's plans, tactics and policies.<sup>41</sup> Unsurprisingly, both Zimbabwe and South Africa produced similar results of Covid-19 corruption and mismanagement.<sup>42</sup>

Having chosen to deal with the pandemic through partisan platforms dominated by government officials, the Zimbabwe government squandered opportunities to tap into technical advice from a broad range of experts. Although eventually, universities and colleges were given space to make sanitisers and masks, many blamed the government for failing to plan according to the advice it was given.<sup>43</sup> This critique is aptly made by Christopher Samkange, former Director of the Institute of Continuing Education (ICHE) at the University of Zimbabwe's College of Health Sciences, who lamented,

The problem that we have as a country is that the government does not listen to the universities. If you look at the responses, statements and actions being taken by the leaders in the Western world such as Boris Johnson, Macron, are based on what the universities are telling them. Our government must learn to listen to the universities, politicians are supposed to give political directions after they have been

37 *BBC News*, Harare, 29 March 2020, <https://www.bbc.com/news/world-africa-52061697>, accessed 10 June 2020.

38 *BBC News*, Harare, 29 March 2020.

39 *Review and Mail*, 28 March 2020.

40 Chigudu, "From cholera to corona".

41 *The Independent*, 24 April 2020, <https://www.theindependent.co.zw/2020/04/24/the-missing-factor-in-zims-cut-and-paste-response-to-covid-19/>, accessed 10 May 2022.

42 *The New York Times*, 13 November 2020, <https://www.nytimes.com/2020/08/19/world/africa/coronavirus-south-africa>, accessed 10 May 2022.

43 *Review and Mail*, 28 March 2020.

advised by those with technical knowledge. The universities are now appearing irrelevant because no one is asking them questions. The apparent irrelevance of our universities is built in the way we work as a country. Wrong people are making the decisions the wrong way.<sup>44</sup>

This statement reveals the absence of national consensus in Zimbabwe regarding how to deal with the pandemic. Since the ruling elite politicised the matter right from the start, their decisions became political, while the number of cases was initially not accurately assessed for “national” security reasons. When the figures suddenly started rising, Godfrey Tsenengamu, an erstwhile friend of the regime, suggested the state was cooking up figures in order to justify another lockdown ostensibly to torpedo pro-democracy elements that had set 31 July 2020 for national anti-corruption protests.<sup>45</sup> Thereafter, in the absence of community testing, government Coronavirus statistics became a public relations exercise.

Once the regime moved on from its initial laid-back stance, lockdown measures were first announced by President Mnangagwa on March 30, 2020 and were subsequently extended numerous times as the number of Covid-19 cases continued to rise across the country.<sup>46</sup> The stringent lockdown measures included the closure of all official points of entry into the country except for returning residents. No trans-border movements were allowed for borderland communities. Within Zimbabwe, lockdown measures were heavily enforced. These policies severely affected communities that rely on local agricultural markets as producers were left with no market for their goods. Images of the police publicly confiscating and destroying agricultural produce from rural producers that were delivering them to urban markets also circulated during this time.<sup>47</sup> From 21 July 2020, the government gradually eased the lockdown restrictions, announcing that supermarkets, restaurants, and vegetable markets could operate from 8am to 3pm daily.<sup>48</sup>

The Zimbabwean state’s response to the security threats posed by the Covid-19 pandemic included reinforcing surveillance, contact tracing,

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44 *Review and Mail*, 28 March 2020.

45 “Tsenengamu on anti-government protests”, 3 July 2020, [https://www.youtube.com/watch?v=\\_unVhjy4hlw](https://www.youtube.com/watch?v=_unVhjy4hlw), accessed 19 May 2022.

46 See EK Makombe, “Between a rock and a hard place”: The coronavirus, livelihoods, and socioeconomic upheaval in Harare’s high-density areas of Zimbabwe, *Journal of Developing Societies* 37 (3), 2021, pp. 275-301.

47 *Zimlive*, 3 April 2020, <https://www.zimlive.com/2020/04/03/mnangagwa-rebukes-lockdown-police-for-seizing-and-burning-farm-produce/>, accessed 10 June 2020.

48 V Mutyasira, “How is Covid-19 shaping agricultural production and commodity marketing among smallholders in Zimbabwe?”, 17 September 2020, <https://www.future-agricultures.org/blog/how-is-covid-19-shaping-agricultural-production-and-commodity-marketing-among-smallholders-in-zimbabwe/>, accessed 17 September 2020.

community hygiene practices, and health promotion, especially for border communities (those close to official border entry points).<sup>49</sup> Debates hinged on tightening the lockdown through measures that included the indefinite deferment of schools' re-opening and the introduction of localised lockdowns in hotspot areas. As elsewhere in the world, the government of Zimbabwe enforced lockdowns and even went back into stricter lockdowns or undertook stricter anti-Covid-19 measures as cases rose.<sup>50</sup> However, the Zimbabwe government's policies fell short when it came to protecting frontline workers in the health sector and to safeguard their capacity to save lives.<sup>51</sup> The growing numbers of health workers who tested positive for Covid-19 became a source of conflict between the state and healthcare workers, especially in some of the country's largest public hospitals (Parirenyatwa, Mpilo and UBH Hospitals). By 14 July 2020, more than 40 nurses at two major referral hospitals in Bulawayo, Mpilo and UBH Hospitals, had tested positive for Covid-19, while approximately 300 health personnel were placed on mandatory self-isolation.<sup>52</sup> Furthermore, by 25 July 2020, the country had neither a Minister of Health in cabinet nor a permanent secretary for health, no referral hospital in the country had a medical director, and hospitals had no doctors and nurses.<sup>53</sup> In the absence of a robust medical response to combat Covid-19, many believed that President Mnangagwa's strategy of simply locking up citizens for lockdown violations was bound to fail.

Civil society groups particularly recommended mapping and testing areas around clusters of cases, increasing community surveillance, erecting temporary structures at ports of entry to house the rising number of returnees into the country, and strengthening cross border security checks.<sup>54</sup> In the absence of mass community testing and public accounting for local transmission case-tracing, queries arose about the correct representation of Covid-19 pandemic prevalence in Zimbabwe. Testing was prioritised at mandatory quarantine and isolation centres, with limited testing in communities. An advanced testing strategy which ensures community mass testing and also testing in the public sector remains critical. The government was reticent about any contact tracing of all local transmission cases and

49 "Zimbabwe: Migrants/Returnees", Last updated: 17 Feb 2021, <https://reports.unocha.org/en/country/zimbabwe/card/1awr9hz6lJ/>, accessed 15 April 2021.

50 "Zimbabwe Lockdown: Day 107 – WCOZ Situation Report", 14 July 2020, <http://kubatana.net/2020/07/14/zimbabwe-lockdown-day-107-wcoz-situation-report/>, accessed 15 April 2021.

51 "Zimbabwe Lockdown: Day 107 – WCOZ Situation Report".

52 "Zimbabwe Lockdown: Day 107 – WCOZ Situation Report".

53 M Gwarisa, "President must appoint minister of health and a substantive secretary of health", <https://healthtimes.co.zw/2020/07/23/president-must-appoint-minister-of-health-and-a-substantive-secretary-of-health/>, accessed 15 April 2021.

54 "Zimbabwe Lockdown: Day 107 – WCOZ Situation Report".

appropriately informing the relevant communities.<sup>55</sup> Its interventions with regard to persons living and working on the streets were largely inadequate. Although in July 2020, the Covid-19 Taskforce provided a report suggesting that vulnerable children and adults living and working on the streets had been placed in halfway homes, only a small number had benefited. At that stage, only 29 adults in Harare Province, 13 adults in Midlands Province and six children in Manicaland Province had received help.<sup>56</sup> Considering that Zimbabwe's population of homeless individuals is at 848 per every 10 000 people<sup>57</sup>, this was a glaring disjuncture. Nonetheless, where Zimbabwe arguably started the fight on the wrong footing, it recovered to perform relatively well in containing Covid-19, given its strict control over the population, travel restrictions, and its relatively well-organised vaccine roll-out started in 2021. Indeed, by 1 May 2022, Zimbabwe's number of administered coronavirus vaccine doses per 100 people ranked an impressive 13th in Africa.<sup>58</sup>

#### 4. LIES HAVE SHORT LEGS: COVID-19 AS A LOOTING OPPORTUNITY

Whereas the controversial intervention of the state into the health sector in the broader anti-Covid-19 fight has already been examined with an emphasis on how geostrategic considerations partly delayed a holistic engagement with the Covid-19 pandemic, this section is an examination of how the top-down approach provided opportunities for looting by the ruling elite. The Zimbabwean government stifled robust debate around anti-Covid-19 efforts while promoting a largely celebratory and positive assessment of its activities. Although corruption in Zimbabwe has been much discussed, the lockdown and other efforts to forestall the spread of the pandemic created more opportunities for corruption, especially grand corruption.<sup>59</sup> The Zimbabwe Covid-19 Drugs Scandal, also referred to as "Covidgate"<sup>60</sup>, which partly hinges on allegations that the first family and its associates took advantage of

55 "Zimbabwe Lockdown: Day 107 – WCOZ Situation Report".

56 "Zimbabwe Lockdown: Day 107 – WCOZ Situation Report".

57 "Zimbabwe Lockdown: Day 107 – WCOZ Situation Report".

58 "Number of administered coronavirus (Covid-19) vaccine doses per 100 people in Africa as of May 1, 2022, by country", <https://www.statista.com/statistics/1221298/covid-19-vaccination-rate-in-african-countries/>, accessed 10 May 2022.

59 W Mwatwara and J Mujere, Corruption and the comrades: Mugabe and the 'fight' against corruption in Zimbabwe, 1980-2013. In: SJ Gatsheni Ndlovu (ed.). *The Meaning of Robert Gabriel Mugabe: History, Politics, Power* (London: Palgrave Macmillan, 2015).

60 Covidgate is an onomastic term that refers to scandals involving the abuse of public funds slated for anti-Covid-19 control measures by public officials. It borrows the suffix "gate" from

the loopholes in the anti-Covid 19 drive to loot national resources, is a useful lens to understand how authoritarianism precluded truly national interventions in the fight against the pandemic in Zimbabwe<sup>61</sup>

When Covid erupted in Zimbabwe, there already had been debate regarding President Mnangagwa's choice of Dr Obadiah Moyo as the Minister of Health and Child Care. Dr Moyo was appointed in September 2018 amid protests from a section of the Zimbabwean community alleging that his medical qualifications were dubious.<sup>62</sup> This meant that when initial interventions against Covid-19 were made, some were not confident that this would be handled appropriately, and his conduct was closely scrutinised. By the time of Zimbabwe's Covidgate Scandal, Dr Obadiah Moyo had been in charge for two years during which time he was accused of mismanaging a long-running doctors' strike while hospitals were chronically short of essential supplies. When global concern about Covid-19 arose following its spread to Western countries in early 2020, like Muchinguri-Kashiri, Moyo believed that Covid-19 did not pose a threat to the country. In fact, in February 2020, Moyo insisted that it was safe to travel to China and also allowed visitors from China to come into the country. At that stage, China was not only the Covid-19 epicentre of the world but had itself restricted inward and outward travel.<sup>63</sup> Therefore, what the minister prescribed did not inspire widespread support among government critics but he had the confidence of the president, who stuck with Moyo until, predictably, his position became untenable.

Moyo was fired from the cabinet in July 2020 after he awarded a US\$60 million Covid-19 drugs supply contract to a shelf company called Drax without going to public tender.<sup>64</sup> The scandal came to full public attention at the end of May 2020 when it emerged that Drax International had invoiced the government US\$28 for each disposable mask, the wholesale price of which was under US\$4 from reputable Zimbabwean suppliers.<sup>65</sup> The inflated invoice triggered sustained public outrage, forcing the government, which had

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the infamous 1970s Watergate Scandal in the USA that resulted in the removal of President Nixon from office.

61 *Daily Maverick*, 11 June 2020, <https://www.dailymaverick.co.za/article/2020-06-11-a-looter-continua-for-how-long-can-emmeron-mnangagwa-and-his-corrupt-regime-cling-to-power/#gsc.tab=0>, accessed 20 December 2020.

62 *NewZimbabwe*, 9 September 2018, <https://www.newzimbabwe.com/storm-over-mnangagwas-health-minister-designate-qualifications-questioned/>, accessed 20 December 2020.

63 *The Africa Report*, 17 August 2020, <https://www.theafricareport.com/30676/zimbabwe-covid-19-drugs-scandal-lays-bare-the-rot-in-the-system>, accessed 20 December 2020.

64 "Zimbabwe Health Minister Obediah Moyo sacked amid graft scandal", <https://www.aljazeera.com/news/2020/07/zimbabwe-health-minister-obediah-moyo-sacked-graft-scandal-200708070434612.html>, accessed 10 May 2022.

65 *The Africa Report*, 17 August 2020.

initially denied that payment had been made, to take action. A parallel Interpol investigation, triggered after US\$2 million was paid to the company's newly opened account in Hungary, revealed that the government was attempting to cover up.<sup>66</sup> Despite issuing a statement to the effect that there was no personal connection, pictures circulated online showing Delish Nguwaya (who fronted Drax International) with the first family.<sup>67</sup> Although Moyo and three executives at the state-owned National Pharmaceutical Company were fired, the general perception was that they were mere patsies.<sup>68</sup> There was public outrage when the details of the police docket issued against Nguwaya were revealed, in which the charges had deliberately been made weak to let him walk scot-free as he eventually did.<sup>69</sup> Moyo was released from police custody while two permanent secretaries who had signed off on the Drax deal were not arrested.<sup>70</sup> On 8 October 2021, Moyo was acquitted of the corruption charges on a technicality since the judges chided the prosecutors for bringing poorly drafted and incompetent charges against the former minister.<sup>71</sup> This case heightened the perception that powerful President Mnangagwa, who had ignored public advice against foisting an incompetent minister, was not fighting the global pandemic and the more localised pandemics of corruption in government but that his state was at war with its own people.<sup>72</sup>

In light of the above, politicians, activists, civic society, and ordinary citizens questioned the so-called New Dispensation's commitment to sustainable political and economic change in Zimbabwe. These forces began to mobilise for public demonstrations against what they considered a botched anti-Covid-19 strategy, abductions of opponents, and economic difficulties. Counter-hegemonic organisations such as political parties, trade unions, social movements and civil society organisations, dubbed the 31st July Movement, organised anti-corruption protests, which were met with predictable police heavy-handedness on 31 July 2020.<sup>73</sup> Despite the crackdown, the concerns of these progressive forces were aptly captured in a passionate letter written to the president by Fadzai Mahere (then MDC Alliance spokesperson) in which she posed the following questions,

66 *Pindula News*, 14 June 2020, <https://news.pindula.co.zw/2020/06/14/nguwaya-covid-gate-deals-spark-interpol-probe/>, accessed 10 May 2022.

67 *The Africa Report*, 17 August 2020.

68 *The Africa Report*, 17 August 2020.

69 *NewZimbabwe*, 8 July 2020, <https://www.newzimbabwe.com/nguwaya-out-on-50k-bail-judge-exonerates-businessman/>, accessed 10 May 2022.

70 *The Africa Report*, 17 August 2020.

71 *Zimlive*, 8 October 2020, <https://www.zimlive.com/2021/10/08/ex-health-minister-obadiah-moyo-acquitted-as-us60-million-trial-collapses/>, accessed 10 May 2022.

72 *NewZimbabwe*, 8 July 2020.

73 Mutekwe and Vanyoro, "Politicising 'Covid-19'", p. 19.

Why must a nation with all the ingredients for success be a graveyard for aspiration? Why must the rich fly in private jets while the poor get stuffed like sardines in rickety buses? Why must the many toil and sweat but starve so that the few can live like royalty? Why is it a crime to want a better society? Why is it a crime to want funding for public health and schools? Why is it a crime to demand jobs or modern infrastructure? Why is it a crime to seek accountability for the money that we pay in taxes? Why is it a crime to protest against hunger? Why are the police who are meant to protect and secure the lives of citizens mimicking the behaviour of the Special Branch by breaking into the homes of journalists who speak out against corruption? Why those who are innocent get treated like criminals, yet criminals go scot-free?<sup>74</sup>

Although Mahere's statement can be viewed as the rantings of an opposition party politician aspiring to take over political power in Zimbabwe, it can also be seen as representing the aspirations of Zimbabweans whose access to public health during a pandemic is seriously compromised while they have no genuine platform to bring their government to account. Thus, as will be shown in the next section, those who have braved the odds to face the regime on either accountability or policy issues have attracted the ruthless attention of the repressive state apparatus.

## 5. KNOCKING OPPOSITION FORCES OFF THEIR PERCH

Since the previous sections showed the initial response to Covid-19 and the outpouring of public concern regarding the viability of state intervention, an assessment of how the repressive state in Zimbabwe responded is important. Yet, prior to that discussion, it is paramount to state that in Zimbabwe, Covid-19 offered chances for the repressive regime to extend processes that had already been in motion. Authoritarianism in Zimbabwe emanated from the inability of its founding fathers to dismantle the colonial repressive apparatus. This apparatus has, therefore, been recalibrated over time through holding "manipulated" elections that are meant to buy popular legitimacy but then it also deploys outright force to destroy both perceived and real threats from opposition forces.<sup>75</sup> As shown in this section, Covid-19 provided opportunities for the state to deal with its enemies in conditions favourable to it. That this has happened in Zimbabwe should not be seen as an accident of history because, as Strong has demonstrated,

*For anyone who already has a mission to change the world – or some part of it – an epidemic is a new opportunity for change and conversion*

74 *Zimlive*, 21 July 2020, <https://www.zimlive.com/2020/07/21/an-open-letter-to-mr-mnangagwa/>, accessed 10 May 2022.

75 Masunungure, "Zimbabwe's militarized, electoral authoritarianism", pp. 47-64.

[italics for emphasis]. Thus, cholera gave a platform to both religious revivalists and to those who wished to clean up Victorian cities. Likewise, AIDS has offered new sorts of possibility for the religiously conservative, for those who wished to reform services for STDs and drug addicts, for those gay men who were unhappy with recent trends in gay sexual expression.<sup>76</sup>

Thus, for a hardly secure repressive state that was smarting from a myriad of economic, political and social crises, the pandemic presented a chance to consolidate a de facto one-party regime in Zimbabwe.

In countries such as Guinea, Mali, Tanzania, Côte D'Ivoire, the Central African Republic (CAR), Uganda and Burundi, where elections took place in 2020, the credibility of these elections was marred by discrepancies, including opposition boycotts, the blocking of social media and irregular polling results.<sup>77</sup> The use of Covid restrictions to disrupt democratic activity was observed in the Ugandan presidential elections, where campaign rallies were banned within the capital and 10 highly-populated districts in which President Museveni's main challenger, Bobi Wine, was most popular. Wine himself was arrested for coronavirus violations, but Museveni was able to hold political rallies despite the apparent restrictions.<sup>78</sup> Although Zimbabwe did not have any major election in 2020, lockdown conditions meant that by-elections and any form of political activity were not possible. However, before the emergence of Covid-19, Zimbabwe was a society where the scales already had been tipped toward authoritarianism.<sup>79</sup> As the previous section revealed, the pre-eminence of political explanations of the pandemic was at the expense of epidemiological and immunological considerations, which meant that the efforts were restricted through an inadequate political process that did not have nationwide support. This lack of a national consensus gave an opportunity to the regime's opponents to raise red flags and in the process forced the regime to entrench its militarisation of the development agenda and to crowd out civilian involvement. Thus, a conflict that had been going on since 2000 poignantly reared its head amid the Covid-19 pandemic.

Since coming to power in a 2017 military coup and a disputed 2018 election, President Mnangagwa sustained the authoritarian state and violent repression created by his predecessor, Robert Mugabe. Just before Covid-19, Zimbabwean civic activists and local and international human rights monitors documented a pattern of renewed repression. During non-violent public protests and strikes in January 2019 against fuel price hikes, police and soldiers shot and killed protesters and then went around residential areas,

76 Strong, "Epidemic psychology: a model", p. 255.

77 Martin, "Are Covid-19 measures being used to stifle democracy in Africa?"

78 Martin, "Are Covid-19 measures being used to stifle democracy in Africa?"

79 M Gavin, "The authoritarian politics of Covid-19 in Zimbabwe", 18 June 2020, <https://www.cfr.org/blog/authoritarian-politics-covid-19-zimbabwe>, accessed 10 May 2022.

assaulting hundreds, raping or sexually assaulting women and arresting more than 1 000 people.<sup>80</sup> The government also shut down the internet and social media for a week. Throughout 2019, there was a spike in abductions, beatings and torture of government critics by organised, unidentified squads of gunmen.<sup>81</sup> Human Rights Watch (HRW) reported 50 such cases by September 2019 in which those targeted included human rights activists, a comedian and a prominent doctor.<sup>82</sup> Numerous reports cited the gunmen justifying their attacks because of their victims' statements criticising the government.<sup>83</sup> By the end of 2020, this trend had not changed. The HRW 2020 report chronicled more than 20 African governments using the Covid-19 pandemic to clamp down on freedom of the media and named the Zimbabwean government as one of the worst offenders.<sup>84</sup>

There are grounds to argue that the pandemic provided cover for the further consolidation of power and abuse of citizens. For instance, while all political activities and social gatherings were banned, the ruling government sought to fast-track 27 constitutional amendments that, "among other things, seek to grant powers to a sitting President to appoint his two deputies, handpick judges for promotion to higher courts as well as increase the number of non-MP ministers he could appoint to the cabinet".<sup>85</sup> The government pressed the amendments forward by holding public hearings despite Covid-19 and the shutdown of other public activities – an inconsistency protested against by labour unions and citizens' groups.<sup>86</sup> This attempt drew criticism from a wide variety of voices, including the ruling party's Chair of the Parliamentary Committee, Misheck Mataranyika, who reported unease and unhappiness from the public about the process.<sup>87</sup> Indeed, as Simukai Chigudu observed,

Covid-19 is not a sudden catalyst for crackdowns on journalists and media houses. Countries accused of increasing repressive legislation around communication of news have already set the wheels of violations in motion. Covid-19 has merely shone a spotlight on what has been happening for years.<sup>88</sup>

80 M Rivers and P Ndlovu, "Covid raises the stakes for Zimbabwe's civil society movement", 24 June 2020, <https://www.usip.org/publications/2020/06/covid-raises-stakes-zimbabwes-civil-society-movement>, accessed 10 May 2022.

81 Rivers and Ndlovu, "Covid raises the stakes for Zimbabwe's civil society movement".

82 Rivers and Ndlovu, "Covid raises the stakes for Zimbabwe's civil society movement".

83 Rivers and Ndlovu, "Covid raises the stakes for Zimbabwe's civil society movement".

84 Mutekwe, and Vanyoro, "Politicising 'Covid-19'", p. 29.

85 Rupiya, "Covid-19 and elections in Africa".

86 Rivers and Ndlovu, "Covid raises the stakes for Zimbabwe's civil society movement".

87 Rupiya, "Covid-19 and elections in Africa".

88 E Penfold, "Has Covid-19 changed the narrative on press freedom in Africa?", 2 May 2020, <https://www.africaportal.org/features/has-covid-19-changed-narrative-press-freedom-africa/>, accessed 10 May 2022.

At the grand political level, a new conflict emerged with those in the opposition arguing that public health concerns had been used to justify crackdowns on opposition politicians, the manipulation of vital humanitarian assistance, and the emergence of a class of people benefiting at the public's expense. The arrest of three members of the main opposition MDC Alliance party, Members of Parliament Joana Mamombe, Cecilia Chimbiri, and Netsai Marova, in May 2020 for violating lockdown orders to attend a "peaceful" protest suggested an intensification of state oppression under lockdown. These women were abducted, tortured, and sexually assaulted.<sup>89</sup> The Zimbabwe government argued that the allegations were fabricated and that a "third force" was responsible; hence the three women were arrested for allegedly lying about their ordeal.<sup>90</sup> Yet, a long history of abductions in the country point to the state.<sup>91</sup> Denials by the state elites became hollow in July 2020 when its operatives were caught on camera as they illegally abducted Hopewell Chin'ono, an internationally renowned journalist, for "inciting" public violence through his exposé of the Covidgate/Draxgate Scandal.<sup>92</sup> Furthermore, in May 2020, Amnesty International criticised Mnangagwa's government for denying humanitarian food aid to those who did not support the ruling party – a deadly form of political exclusion amid Zimbabweans' widespread hunger and risk of starvation.<sup>93</sup> These acts of repression risked further eruptions of violence, as in Zimbabwe's past. Before the bloodshed of January 2019, violence flared over the disputed results of the 2018 elections which international observers determined were not free and fair. Thus, the strategies adopted by the ruling regime pointed to the goal of achieving unimpeded authoritarian rule for the incumbent.

While those in the opposition particularly faced major crackdowns, internal power dynamics within the ruling regime were also allegedly responsible for the deaths of some senior ruling party politicians. However, before articulating these general suspicions, it is important to state that globally the Covid-19-related mortality rate of national government ministers and heads of state has been substantially higher than that of people with a similar sex and age profile in the general population, a trend that is driven

89 "Zimbabwe: Persecution of tortured female opposition leaders continues as they are denied bail", 15 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/zimbabwe-persecution-of-tortured-female-opposition-leaders-continues-as-they-are-denied-bail/>, accessed 10 May 2022.

90 Gavin, "The authoritarian politics of Covid-19 in Zimbabwe".

91 A Magaisa, "BSR: Concerning abduction and torture in Zimbabwe", 16 May 2020, <https://bigsr.africa/bsr-concerning-abduction-and-torture-in-zimbabwe-d67/>, accessed 20 June 2020.

92 *The Financial Times*, 20 July 2020.

93 Rivers and Ndlovu, "Covid raises the stakes for Zimbabwe's civil society movement."

by African cases (17 out of 24 reported deaths worldwide, as of 6 February 2021).<sup>94</sup> Though ministers' work frequently puts them in close contact with diverse groups hence a higher risk of contracting Covid-19, this is not specific to Africa.<sup>95</sup> By 2021, among the dead officials in Zimbabwe were Joel Biggie Matiza (Transport Minister), Agnes Gwaradzimba (Resident Minister for Manicaland), Rtd Major General Sibusiso Moyo (Minister of Foreign Affairs and International Trade), Absalom Sikhosana (Zanu PF Politburo member), Jethro Ndombodayi Ndlovu (Zimbabwe's ambassador to the UAE), Rtd Air Marshal Perrence Shiri (Minister of Lands, Agriculture and Rural Resettlement), Lieutenant-General Edzai Absalom Chakanyuka Chimonyo (Commander, Zimbabwe National Army), Retired Lieutenant-General Douglas Nyikayaramba (Zimbabwe's ambassador to Mozambique). Most of the dead were people who had participated actively in making the 2017 coup a success. Amidst the rumour that there was a fallout in the top echelons of political power in Zimbabwe, there were suspicions of a hidden hand that intended a reconfiguration of political leadership. Yet as Mutekwe and Vunyoro have shown, these deaths also offered the incumbent opportunities to campaign amid the lockdown as funerals were turned into ruling party-political rallies. Covid deaths and burials at the national shrine presented opportunities that could not be missed even in the midst of a pandemic as the government allowed a high number of people to attend these funerals while arresting opposition leaders and activists for similar gatherings.<sup>96</sup>

## 6. "LAWFARE" AS POLITICAL STRATEGY AMID COVID-19

Whereas the previous section articulated the physical coercive elements of how the regime's enemies were eliminated through outright violence, this section discusses how, in addition to such strategies, the ruling elite consolidated power through "lawfare", that is, "using – or misusing – law as a substitute for traditional military means to achieve an operational objective".<sup>97</sup> As this section will demonstrate, the rhetoric of legalism and constitutionalism which the New Dispensation rode on dismally failed to conceal the crude manipulation of legal institutions and political referees. The circumstances in which Nelson Chamisa (then leader of the main opposition party, MDC-Alliance), Hopewell Chin'ono (investigative journalist who played a leading

94 JB Falisse *et al.*, "Why have so many African leaders died of Covid-19?" *BMJ global health* 6 (5), 2021, p.1.

95 Falisse, *et al.*, "Why have so many African leaders died of Covid-19?"

96 Mutekwe, and Vunyoro, "Politicising 'Covid-19'", p. 25.

97 See CJ Dunlap, "Lawfare today: A perspective", *Yale Journal of International Affairs* 3 (1), 2008, p. 146.

role in unearthing the Draxgate Scandal), Apostle Talent Chiwenga (a clergyman who prophesied doom on the ruling class) and Jacob Ngarivhume (Transform Zimbabwe President and organiser of the 31 July 2020 protests against corruption) found themselves in during the Covid-19 era are illustrative of how the repressive state cracked down on its opponents under the cover of lockdown.

Prior to the Covid-19 pandemic, President Mnangagwa had been locked in a political contest with Nelson Chamisa. Mnangagwa's ambition was to obliterate this challenge once and for all, especially the MDC Alliance, which had not conceded its loss in the fiercely contested 2018 elections. During the Covid-19 pandemic, the judiciary came under scrutiny after issuing a judgment that fundamentally reconfigured opposition politics in Zimbabwe by handing over the leadership of the then Nelson Chamisa-led MDC-Alliance to Thokozani Khupe, then leader of the MDC-T party. Although the factional fights in the opposition movement were about how Nelson Chamisa took over power from the late founding president Morgan Tsvangirai, the hand of the state in the factional fights and court cases that emerged was apparent, especially in the *Mashavira vs Chamisa* case which is also referred to as the Covid-19 Judgement.<sup>98</sup> On 31 March 2020, the Supreme Court of Zimbabwe delivered a judgment concerning a longstanding legal wrangle over the leadership of the MDC-T. It ruled, firstly, on whether appointments of deputy presidents made by the founding President of the MDC-T, Morgan Tsvangirai in 2016, were lawful, and secondly, the legality of Nelson Chamisa's rise to the Acting Presidency of the MDC-T in February 2018.<sup>99</sup> The Supreme Court noted that there were illegalities in both instances and, thus, ordered the MDC-T to revert to the pre-2016 appointments position and to hold an Extraordinary Congress within three months from the date of the judgment.<sup>100</sup> However, the MDC-T had effectively split into two separate parties, one led by Chamisa (MDC Alliance) and another by Khupe (MDC T). In the 2018 general elections, the two parties registered as separate entities and fielded competing candidates, with Chamisa polling more than 2 million votes while Khupe managed only 45,000 votes.<sup>101</sup> Chamisa remained outside the national dialogue that President Mnangagwa called after the 2018 elections, while Khupe eventually became the chairperson of POLAD – a conglomeration of political parties that took part in the election. In the face of protracted

98 "SC 56-20 - MDC *et al* v Mashavira *et al* - Supreme Court judgment of 31st March 2020", <https://www.veritaszim.net/node/4063>, accessed 10 May 2022.

99 AT Magaisa, "Big saturday read: Critical analysis of the supreme court judgment", 3 April 2020, <https://bigsr.africa/bsr-critical-analysis-of-the-supreme-court-judgment-d89/>, accessed 1 December 2021.

100 Magaisa, "Big saturday read: Critical analysis of the supreme court judgment".

101 Magaisa, "Big saturday read: Critical analysis of the supreme court judgment".

harassment and state interference in opposition politics, Nelson Chamisa finally decided to start a new political outfit, Citizens Coalition for Change (CCC), on 22 January 2022.

The way in which the courts handled this matter revealed that the incumbent intended to consolidate a de facto one-party state and that Covid-19 gave him that opportunity without danger of protests from opposition forces. One of the major indications was the lack of consistency in how the judiciary deals with disputes between members and their political parties in Zimbabwe.<sup>102</sup> In this case, the Supreme Court believed that Mashavira, who brought the case, was perfectly entitled to ignore the internal remedies in the MDC-T because there was no prospect of getting justice. Yet, in 2015, former ZANU PF politician Kudakwashe Bhasikiti challenged his expulsion by his party at the High Court, where Justice Chinembiri Bhunu dismissed his case, arguing that Bhasikiti had not exhausted all the internal remedies within the party.<sup>103</sup> As Magaisa has observed, both Bhasikiti and Mashavira were challenging decisions made by their parties yet Bhasikiti, fighting ZANU PF, was told by both the High Court and Supreme Court that he should have exhausted internal remedies, even though they were compromised. On the other hand, both the High Court and the Supreme Court were happy to accept that Mashavira did not have to exhaust internal remedies in the MDC-T because, in their view, they were compromised.<sup>104</sup> Adding to the conspiracy is the fact that hours before the judgment was passed, Khupe prematurely tweeted the outcome.

In Zimbabwe, political floor crossing is not allowed, hence the judgment caused conflict regarding who controlled the parliamentarians, councillors and senators belonging to the MDC-Alliance. By March 2021, 39 MDC Alliance MPs and 81 local council elected officials had been recalled by the MDC-T which claimed that they had entered the political contest riding the MDC-T ticket. The MDC-T contested elections in 2018 and performed dismally, winning just two seats in Parliament. Thus, the decision by the Speaker of Parliament and the President of the Senate to allow Khupe to recall MDC Alliance MPs, “places Khupe in a bizarre situation in which she can lay claim to MPs who are her party’s competitors and rivals”.<sup>105</sup> As the constitutional expert, Alex Magaisa, argued, the Constitutional Court previously ruled that the Speaker and the President of the Senate have no substantive role in the process of recalling MPs and that their role is merely to receive a written

102 Magaisa, “Big saturday read: Critical analysis of the supreme court judgment”.

103 Magaisa, “Big saturday read: Critical analysis of the supreme court judgment”.

104 Magaisa, “Big saturday read: Critical analysis of the supreme court judgment”.

105 A Magaisa, “BSR: Concerning the recall of MDC Alliance MPs”, 5 May 2020, <https://bigsr.africa/bsr-concerning-the-recall-of-mdc-alliance-mps-d37/>, accessed 10 May 2022.

notice of cessation of membership from a party. Yet, in this case, they made a substantive choice concerning disputed facts. Magaisa observed that they had before them letters from different parties, each claiming authority over the MPs, that is, one from Douglas Mwonzora claiming that the MPs belonged to the MDC-T, and another from Charlton Hwende, claiming that they were MDC Alliance MPs.<sup>106</sup> Thus, this dispute of fact was supposed to be resolved by the courts, but in accepting the MDC-T's position, they exercised a quasi-judicial role which they did not have constitutionality.<sup>107</sup> Since the regime also suspended by-elections due to Covid-19, the recalled MDC Alliance MPs, Senators and councillors were replaced by MDC-T appointees.<sup>108</sup> Amid these sustained attacks on the MDC Alliance, civil society and some opposition parties raised concern over the judiciary's failure to maintain its independence in political disputes. Commenting on these developments, Crisis in Zimbabwe Coalition Director Blessing Vava remarked, "This is a clearly political matter that should not have found itself in front of a compromised judiciary that has shown bias towards a certain political party. The courts lost credibility the moment they legitimised a military take-over of government".<sup>109</sup>

The perception that the judicial process in Zimbabwe is selective was deepened after it emerged that the top judges were beneficiaries in the Farm Mechanisation Scheme whose debt was eventually passed on to the taxpayer.<sup>110</sup> This became a topical issue following the exposé by Hopewell Chino'no, hence it was no surprise when the Chief Justice sought to control and censor judgments from his peers through a raft of new administrative procedures in the delivery of justice. On 16 July 2020, Chief Justice Malaba gave a directive requiring that before an order of the High Court or Labour Court was issued, it had to be "approved" by the head of court or division.<sup>111</sup> Chief Justice Malaba thus tried to bring judges under the control and direction of other judges, thereby affecting their independence.<sup>112</sup> This elicited a barrage of attacks from international judges and lawyers, particularly Africa Judges

106 Magaisa, "BSR: Concerning the recall of MDC Alliance MPs".

107 Magaisa, "BSR: Concerning the recall of MDC Alliance MPs".

108 A Chibamu, "Zimbabwe: Khupe strikes again as 9 more MDC Alliance MPs expelled from parliament", 23 June 2020, <https://allafrica.com/stories/202006230865.html>, accessed 10 May 2022.

109 *The Standard*, 26 July 2020, <https://www.thestandard.co.zw/2020/07/26/zimbabweans-are-fed-up-vava>, accessed 10 May 2022.

110 A Magaisa, "Bsr exclusive: Beneficiaries of the RBZ farm mechanisation scheme", 17 July 2020, <https://bigsr.africa/bsr-exclusive-beneficiaries-of-the-rbz-farm-mechanisation-scheme/>, 17 July 2020, accessed 10 May 2022.

111 *Daily Monitor*, 26 July 2020, <https://www.monitor.co.ug/Magazines/PeoplePower/Why-African-judges-criticized-Zimbabwe-Chief-Justice-Malaba/689844-5599328-whc12xz/index.html>, accessed 10 May 2022.

112 *Daily Monitor*, 26 July 2020.

and Jurists Forum in South Africa, Uganda and Zimbabwe, who all described his directive as, “unconstitutional and [a] threat to judicial independence”.<sup>113</sup>

For his role in exposing the Minister of Health’s opaque handling of Covid-19 funds and in articulating how the Zimbabwean government had departed from serving all citizens to serve just a clique of the ruling elite, Hopewell Chin’ono was arrested, as was Jacob Ngarivhume, who had organised the national protest on 31 July 2020 against grand larceny. The way they were thrown into remand prison without bail revealed the state’s intention to persecute them for challenging it. In the cases of Chino’no and Ngarivhume, their lawyers had to bring to public attention the fact that the police were denying them personnel protective equipment (PPE), hence betraying a well-calculated plot to expose them to the deadly pandemic.<sup>114</sup> While Chino’no and Ngarivhume were in remand prison, other popular anti-government activists (Job Sikhala, then MDC Alliance Vice Chairperson, and Godfrey Tsenengamu, Front for Economic Emancipation in Zimbabwe), and religious leader Apostle Talent Chiwenga were on the run from state operatives.<sup>115</sup>

Fearing for his life, on 10 July 2020 Talent Chiwenga held a press conference in which he said he was being trailed by agents of the State and declared that if he were to be found dead, the state would have to be held responsible.<sup>116</sup> A few days later, on 14 July 2020, the cleric narrowly escaped death in a road accident that claimed two lives.<sup>117</sup> On 28 July 2020, the Zimbabwe Republic Police released a list of then MDC Alliance officials, activists and trade union leaders whom it claimed it wanted to interview in connection with the planned protests. These were: Sikhala, Tsenengamu, Makomborero Haruziviishe, Godfrey Kurauone, Gift Ostallos Siziba, Promise Mkwanzani, Denford Ngadziore, Allan Moyo, Obey Sithole, Obert Masaraure, Jim Kunaka, Stephen Chuma, Peter Mutasa and Robson Chere.<sup>118</sup> All these people and many other perceived enemies of the state were arrayed before the courts to answer subversion charges. There is ample evidence to demonstrate that Zimbabwean courts were used in a partisan manner. The fate of High Court Judge Ndewere shortly after refusing to keep Sikhala in jail

113 *Daily Monitor*, 26 July 2020.

114 Tweet by Chin’ono’s lawyer Doug Coltart on 23 July 2020, <https://twitter.com/DougColtart/status/1286364836343971840>, accessed 10 May 2022.

115 *Newsday*, 28 July 2020, <https://www.newsday.co.zw/2020/07/ed-unleashes-cios-on-sikhala/>, accessed 10 May 2022.

116 T Chiwenga, “Public statement on the state-sanctioned criminal military operation to abduct and murder”, <https://www.youtube.com/watch?v=tNUNerwmGa4>, accessed 10 May 2022.

117 *MyZimbabweNews*, 14 July 2020, <https://www.myzimbabwe.co.zw/news/67337-just-in-chiwenga-involved-in-road-accident.html>, accessed 10 May 2022.

118 *Newsday*, 28 July 2020.

for allegedly inciting violence against the state reveals interference in judicial matters.<sup>119</sup> Judge Ndwere was eventually dismissed from her job in October 2020 for incompetency, but she maintained that she was being victimised for refusing to surrender her judicial independence.

On his part, President Mnangagwa did not hide his intentions on how the judiciary ought to function under his leadership. The way he handled the appointment of the Prosecutor General in 2019 and that of the Chief Justice in 2021 illustrates this. His words of advice to the Prosecutor General help to explain why the courts were not ready to rule against those perceived to be in the president's camp. Swearing in Kumbirai Hodzi to the post, President Mnangagwa brazenly warned him against operating independently,

I want you to know the difference between the aspirational and what is termed realpolitik. Independence is an aspiration, it's not a reality [...] Anyway, let me clarify things for you, my dear. We have three pillars of the state, namely the judiciary, the legislature and the executive. I am the face of the executive and don't get influenced by me as the head of the executive or by the chief justice as the head of the judiciary or by speaker of the national assembly as the head of the legislature. But then, do you also know that I am the head of state and that when I operate at that level, all these three pillars are below me? *So if you see yourself disregarding that, saying you are independent and not come to seek advice from me as the head of state, then there is a problem* [my emphasis in italics].<sup>120</sup>

Given this advice to the prosecutor general, it is therefore not surprising that he did not mount any serious cases against those perceived to be in the President's entourage, for instance, Delish Nguwaya, Henrietta Rushwaya and Dr Obadiah Moyo, whose cases were not pursued with vigour.

With regards to Chief Justice Malaba's tenure beyond the age of 70, the state went out of its way to make amendments to keep him in his post. On 16 May 2021, the High Court of Zimbabwe issued a historic judgment in which it declared that the Chief Justice ceased to hold office by operation of law notwithstanding attempts to extend his term of office.<sup>121</sup> The judges who made this judgement were targeted by the state for attack. Justices Happias Zhou, Jester Helena Charewa and Edith Mushore were accused by the Minister of Justice, Ziyambi Ziyambi, of having been captured. Ziyambi ranted that the

119 C Rickard, "Judge claims Cj instructs how cases must be decided", 29 October 2020, <https://africanlii.org/article/20201029/judge-claims-cj-instructs-how-cases-must-be-decided>, accessed 10 May 2022.

120 D Matyszack, "Zimbabwe's slither towards increased authoritarianism", *ISS*, 6 March 2019, <https://issafrica.org/iss-today/zimbabwes-slither-towards-increased-authoritarianism>, accessed 10 May 2022.

121 A Magaisa, "BSR Special: Explaining the historic High Court judgment", 16 May 2020, <https://bigsr.africa/bsr-special-explaining-the-historic-high-court-judgment/>, accessed 10 May 2022.

judgment against Malaba was a “typical case of a night court, consisting of night judges and night lawyers”.<sup>122</sup> However, the High Court judgment which had incensed the government was overturned after the Minister of Justice and the Attorney General appealed to the Constitutional Court which ruled that the second amendment to the Constitution just before Chief Justice Malaba turned 70 made it possible for all High Court, Supreme and Constitutional Court judges to extend their tenure up to age 75.<sup>123</sup>

Justice Zhou and Chief Justice Malaba’s circumstances reveal different experiences within the same judicial structure. After passing several judgments against the government, including interdicting any persons, including the police and home affairs, from preventing Zimbabwe Hospital Doctors’ Association leader Dr Peter Magombeyi, from leaving the country for the purpose of seeking medical treatment in 2019, Justice Zhou was widely seen as unfriendly to the state.<sup>124</sup> This partly explains why in July 2020 the Chief Justice attempted to smuggle in a regulation that ordered judges to submit their written judgments to him for endorsement. Chief Justice Malaba’s 2018 constitutional judgement in which he dismissed the MDC Alliance’s appeal against the presidential elections is considered to have endeared him to the ruling regime which allegedly rewarded him by keeping him in office ahead of the 2023 elections whose outcome might be contested given the lack of electoral reforms. All these dynamics reveal that in Zimbabwe, Covid 19 offered a conducive environment for the ruling elite to reconfigure the socio-political environment with little, if any, protestation from pro-democracy movements whose activities have been emasculated by lockdown regulations.

## 7. CONCLUSION

While Zimbabwe’s chequered democratic past is well understood, it is how electoral authoritarian regimes thrive under lockdown scenarios that is little understood. The way President Mnangagwa’s government has managed the Covid-19 pandemic in Zimbabwe has demonstrated how it is possible to turn an international crisis into an opportunity to crush political enemies. In Zimbabwe, the use and extension of emergency powers is a threat to human rights and the consolidation of democracy through giving incumbents an excuse to resort to repressive methods against their opponents. This article has demonstrated that while the world’s attention was captured by

122 *Newshawks*, 29 May 2021, <https://thenewshawks.com/who-is-justice-happias-zhou/>, accessed 10 May 2022.

123 *The Herald*, 23 September 2021, <https://www.herald.co.zw/concourt-clears-chief-justice-malaba/>, accessed 10 May 2022.

124 *The Herald*, 23 September 2021.

the efforts to procure an anti-Covid-19 vaccine, the repressive regime in Zimbabwe expanded its control over the country without regard to the deadly consequences of the pandemic. Thus, the Covid-19 lockdown facilitated the regime's intention to consolidate a de facto "one-party state" in Zimbabwe as witnessed by the closure of democratic space. The persecution of the government's opponents, as well as the amendments to the constitution before its implementation, fast-tracked the entrenchment of autocratic rule during the lockdown.