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09 April 2019

NPRC Briefing

March, 2019

About this briefing

On 9 April 2019, the National Transitional Justice Working Group (NTJWG) met with the National Peace and Reconciliation Commission (NPRC) for the first briefing of the year. This report carries a summary of the issues presented to the NPRC. In the briefing, the NTJWG raised several issues of concern to Zimbabwe's transitional justice journey.

The NTJWG Welcomes the NPRC Secretariat

It has been a long wait for the NPRC to finally get to work. NTJWG was pleased to note that the NPRC was given the greenlight by Treasury to recruit 32 out of the 103 members of staff. In January, 2018 the NTJWG raised concerns about the NPRC indicating that the Commission could not commence its work without the full constitution of its secretariat. Despite the lack of funds to recruit its entire contingent, the NTJWG acknowledges efforts by the NPRC to deliver its mandate with hardly any support staff. Against this background, the NTJWG welcomed the recruitment of staff. However, the NTJWG implores the NPRC to ensure that the recruitment and appointment process is transparent, quick and open to scrutiny in line with the best practices as outlined in the last briefing on the importance of ensuring a competent and independent secretariat.

NPRC's Reporting Obligations

NTJWG noted that in terms of the law, the NPRC is expected to submit a report to Parliament annually and publish it to the public within 30 days after its presentation in Parliament. Since the NPRC was operationalised on 5 January, 2018, therefore stakeholders are looking forward to the publication of the annual report, which, according to law, was supposed to have been submitted to Parliament on or before 5 January, 2019. Besides the annual report, stakeholders will expect the publication of any other report(s) highlighting the work of the NPRC. These reports keep the public informed and abreast with the activities of the Commission. Stakeholders many times have to depend only on news reports, tweets and sometime press conferences. It will be very helpful if the relevant reports are also uploaded on the NPRC's website.

The Shutdown Atrocities and Montlanthe Commission Report

The events of January 14, 2019 and the days that followed were very sad to the nation and to the world. NTJWG is aware that the NPRC met with some of the survivors and stakeholders. However, not much traction has been seen after that in response to the needs of the victims. NTJWG notes the report of the Zimbabwe Human Rights Commission which is very encouraging. The NPRC can use some of the findings from that report to design some interventions that speak to its mandate. NTJWG hopes the NPRC is still in touch with the victims. Visible solidarity with victims and survivors is an important part of confidence building. NTJWG further encourages the NPRC to be seized with the recommendations of the Montlanthe Commission which have remained largely ignored. These are some good indications in the report which support measures for guaranteeing non recurrence.

Lifespan of the NPRC

On 22 June, 2018 the NTJWG convened its quarterly meeting at Holiday Inn and one of its major concerns was the lack of clarity on

Conclusion

There is a window of opportunity to move transitional justice processes in Zimbabwe to the next level. Independent commissions play a critical role. It is important the government plays its role in ensuring that the commissions are adequately resourced to play their role. Government interference with independent commissions undermines public confidence. In that regard, NTJWG remains committed to supporting the cause of transitional justice and defending their independence. This update has highlighted some of the possible threats to such independence and effectiveness. It is hoped that the actors concerned will address the issues urgently.

the lifespan of the NPRC since its operationalisation on 5 January, 2018. It was recommended that legal action be taken to clarify the position. NTJWG applauds the Zimbabwe Lawyers for Human Rights (ZLHR) for taking the matter to the High Court on behalf of one of the survivors. The High Court has since declared that the lifespan of the NPRC will begin to countdown from 5 January 2018, the day the NPRC Act was gazetted. However, NTJWG is concerned that the Minister of Justice was reported in the Sunday Mail of 31 March 2019 stating that government intended to disband the NPRC and put it under the ZHRC. This would be retrogressive.

NPRC Community Interface

Immediately after the operationalisation of the NPRC in January, 2018 the NPRC embarked on a nationwide consultative programme. The NPRC further facilitated the signing of the Peace Pledge and launched the Peace Caravan. Other meetings were facilitated in Harare, Bulawayo, Mt. Darwin and Masvingo. NPRC also responded positively to invitations to appear on radio programmes in Mutare and Bulawayo and answer questions from stakeholders. As the NPRC gears for 2019 outreach, more investments need to be directed towards information dissemination, reporting and feedback.

Funding for the NPRC

The NTJWG acknowledges that while funds were allocated to the NPRC in the national budget, the Commission remained financially constrained, unable to attend to its mandate because of non-availability of resources. Inadequate funding will drastically impact the Commission. The NTJWG would encourage speedy disbursement of funds to the NPRC to enable it to do its work.

Upcoming Meetings or Activities

The NPRC has recently announced that it shall be convening meetings around the country. However, as have been reported with the consultative meetings in 2018 and the Commission of Inquiry which were characterised by violence in other areas, some regions remain very sensitive, volatile and deeply divided. NTJWG implores the NPRC to put in place mechanisms which put victims of past human rights violations at the centre of the meetings, embark on an intensive pre-planning and environmental scanning exercise. In line with this, NTJWG has presented to the NPRC the booklet, Code of Inclusion: Guiding Principles on Inclusive Public Consultation and Participation in Transitional Justice Processes in Zimbabwe. This is NTJWG's small way of encouraging inclusivity in its processes.

Other Issues

NTJWG took the opportunity to thank the NPRC for its contribution at the 2018 Transitional Justice Symposium and gave feedback on some of the issues raised at the symposium. A full policy brief will be released on some recommendations from the symposium that were shared with the NPRC.