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Issue 2

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REJECTED!



Parliament, Civil Society, Public Condemn NPRC Bill

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UPDATES FROM NOVEMBER 2015 TO NOVEMBER 2016

Appointment and Re-appointment of Commissioners

Some progress regarding the establishment of the National Peace and Reconciliation Commission (NPRC) has been made since our last update. In the last issue, we published 33 names of the persons who had been shortlisted and interviewed.

On 27 November 2015, the Zimbabwe Broadcasting Corporation reported that President Robert Mugabe had appointed a 9 member commission.

Further, it was announced that the NPRC would be chaired by clergyman, Bishop Dr. Ambrose Moyo and deputised by Mrs. Lilian Chigwedere. Other members of the NPRC that were announced were Patience Chiradza, Choice Ngoro, Netty Musanhu, Charles Masunungure, Geoffrey Chada, Leslie Ncube and Godfrey Chekenyere. Stakeholders who spoke to the NPRC Watch were of the view that Dr. Ambrose Moyo had the gravitas and integrity necessary to lead the commission. The legal challenge was that section 251 (2) of the Constitution states that the chairperson of the NPRC must be a person who has been qualified for at least seven years to practice as a legal practitioner in Zimbabwe. In February 2016, it was announced that the NPRC would be chaired by Dr. Cyril Ndebele, the former Speaker of Parliament.

On 24 February 2016, all the Commissioners were sworn into office with The appointment of Dr. Cyril Ndebele was generally well received by stakeholders.

On 18 December 2015, the government gazetted the National Peace and Reconciliation Commission Bill (NPRC Bill) to give effect to sections 251, 252 and 253 of the Constitution, which provide for the establishment and composition of the National Peace and Reconciliation Commission (NPRC).

On 8 January 2016, the NTJWG held a briefing in Harare where the Chairperson Mr. Alec Muchadehama issued a preliminary report to the NPRC Bill highlighting some of the key issues observed from the Bill. Key among the observations was that several sections of the NPRC Bill are ultra vires the Constitution.

On 11 February 2016, the NPRC Bill was introduced (first reading) in Parliament by Vice President Phelekezela Mphoko.

On 24 February 2016, the NPRC Bill was referred to the Parliamentary Legal Committee (PLC) to consider the constitutionality of the Bill.

In April 2016, the PLC issued an adverse report in which it criticized the Bill as contravening the Constitution. Among other offensive clauses of the Bill, the PLC cites the clause which gives power to the appointing authority to remove commissioners from office, the power given to the Judicial Service Commission and the Committee on Standing Rules and Orders to review the performance of Commissioners, the excessive powers given to the executive in the work of the Commission, the power given to the executive to interfere with the hearings of the commission, the power given to the Minister to decide what to do with the recommendations and the power given to the Minister to interfere with the commission's power to hire its own Secretariat.

From 10 to 18 April 2016, the Portfolio Committee on Justice, Legal and Parliamentary Affairs, Thematic Committee on Human Rights and the Thematic Committee on Peace and Security held public hearings on the NPRC Bill in Kwekwe, Gweru, Victoria Falls, Bulawayo, Mutare, Masvingo, Gutu, Bindura, Hwange, Plumtree, Lupane, Marondera and Chinhoyi.

The meetings were meant to gather people's views on the NPRC Bill. Observers noted that members of public expressed their disapproval of the Bill especially aspects that limit the power of the Commission. Some expressed disappointment with the Committees' inability to cover the rest of the country and the inability to provide advance copies and translations of the Bill to participants.

On 10 May 2016, the NPRC Bill was withdrawn from Parliament by the Minister of State in the Vice President Mphoko's Office, Hon Tabitha Kanengoni citing the adverse report from the Parliamentary Legal Committee. In Commissions Watch 5 – 2016, Veritas noted that the withdrawal paves way for a replacement Bill.

National Peace and Reconciliation Bill, HB 13, 2015- the Next Steps

By Southern Africa Parliamentary Support Trust (SAPST)

Introduction

The Bill was gazetted on the 18th of December 2015. It was read for the first time in Parliament on 11th February 2016 by Vice President Mphoko. Thereafter it was referred to the relevant portfolio committees, and was also referred to the Parliamentary Legal Committee pursuant to the Standing Rules and Orders of Parliament.

Portfolio committees conducted public hearings across the country on the Bill from 11 to 18 April 2016. The public from across the provinces roundly and soundly criticised the Bill as inadequate to address its intended objectives. At the time the Bill was withdrawn from Parliament by the Executive, the relevant Portfolio Committees were yet to table a report on their findings and recommendations.

Generally stakeholders had expressed concerns with issues of clarity on the mandate of the Commission; reparations for victims; exclusion of gender equity, etc.

The PLC Adverse Report

The PLC issued an adverse report on the Bill, making findings that some of the provisions of the Bill would, if enacted, violate the Constitution of Zimbabwe. In particular, the Committee indicated the following conflicts between the Bill and the Constitution:

- a. The period of appointment of Commissioners in the Bill was inconsistent with that provided in section 237 of the Constitution;
- b. The Bill sought to grant supervisory powers on the Standing Rules and Orders Committee and the Judicial Service Commission, which are not conferred by the Constitution;
- c. The functions as provided in the Bill were inconsistent (and therefore in conflict) with those in the Constitution, to the extent that those in the former purported to limit the Commission's functions as provided by the Constitution;
- d. Clause 8 of the Bill was in breach of administrative justice;
- e. Clause 9 of the Bill, which sought to make the Commission accountable to the Minister, was in conflict with provisions of the Constitution that guarantee such bodies independence from extraneous control or influence. Similarly, clause 10 of the Bill also violated the Paris Principles on the independence of human rights institutions, as it permitted the Executive to play a role in the appointment of the secretariat of the Commission;
- f. Clause 14 was impugned on the basis that it would grant the Minister power over the purse of the Commission;
- g. The lifespan of the Commission as provided by the Bill was inconsistent with that in the Constitution; and
- h. Some of the provisions in the schedule contained inconsistencies with the Constitution.

Government's Response

Faced with this situation, Government withdrew the Bill from the Order Paper. The Honourable Minister in the Vice President's Office, Tabitha Kanengoni-Malinga withdrew the Bill from Parliament on 10 May 2016 on the basis principally of the adverse report,

advising the House that they would consider the issues raised before returning with the Bill to Parliament.

Next Steps

Where do we go from here? What are the effects and implications of the withdrawal of the Bill from the public domain?

Given the serious criticisms of the Bill by stakeholders, it is hoped that Government went back to the drawing board with a view to considering how best to improve the Bill. Critically, every proposed legislation must comply with the Constitution. This is because of the supremacy of the Constitution principle in section 2 of the Constitution. Further, some of the submissions by stakeholders on policy issues are also worth consideration.

The redrafted version will replace the aborted Bill. Because the Bill was withdrawn, it is no longer before Parliament, nor in the public domain. This implies that a new Bill will start from the preliminary stages of the legislative process that is, gazetting, introduction into Parliament, etc.

Stakeholders must utilise the opportunity granted by the withdrawal to engage the authorities to ensure that a better product comes out of the current review processes. Once the Bill is officially gazetted, stakeholders should again make their input into the process.

When the Moon Covers the Sun What Exactly Was Wrong With The NPRC Bill?

NTJWG Editorial

On 18 December 2015, the government gazetted the National Peace and Reconciliation Commission Bill (NPRC Bill) to give effect to sections 251, 252 and 253 of the Constitution, which provide for the establishment and composition of the National Peace and Reconciliation Commission (NPRC). The Bill was received with nationwide condemnation from civil society organisations, churches, general citizens as well as the Parliamentary Legal Affairs Committee. In its response to the Bill, NTJWG emphasised the unconstitutionality of the Bill. On 10 May 2016, the Minister of State in Vice President Mphoko's Office Hon. Tabitha Kanengoni withdrew the Bill from Parliament citing the adverse report which was issued by the Parliamentary Legal Committee. This withdrawal gives the responsible Ministry an opportunity to revise the Bill in line with the recommendations of the PLC as well as other stakeholders.

While society waits for the revised bill, it is important to highlight some of the key issues raised by stakeholders and make recommendations on how a better bill must look like. In this article, we summarize in 15 points some of the issues that need to be attended to in order to synchronize the NPRC Bill with the Constitution as well as the expectations of people of Zimbabwe.

1. It is recommended that all provisions of the bill that potentially interfere with the independence, impartiality and competence of the National Peace and Reconciliation Commission, particularly those in relation to its function, tenure of the commission, role of the Minister, funding and recommendations; be removed.
2. Section 3 (6), (7) and (8) of the Bill must be removed as it limits the tenure of the Commissioners to 5 years contrary to section 251 of the Constitution which creates the NPRC with a 10 year mandate. The correct interpretation of section 320 of the Constitution is that section 251 already provides a ten year lifespan for the NPRC. Five year term limits specified in section 320 (1) only applies to commissions whose term limits are not already specified in the Constitution. The NPRC is a commission sui generis (in its own unique class). This interpretation is in line with the best practices internationally as it allows the Commission an uninterrupted tenure to carry out its task.
3. Section 3 (6), (7), and (8) of the Bill, which provide for the performance review of the Commissioners, must also be changed because it is in violation of section 237 of the Constitution which protects the tenure of the Commissioners and provides a procedure on how commissioners must be removed from office, which is the same procedure for the removal of judges. By giving the Judicial Service Commission and the Committee on Standing Rules and Orders power to review the performance of the Commission, the Bill violates section 235 of the Constitution as that is interference with the independence of the Commission.
4. Section 7 of the Bill which requires that the Commission has first to publish in the government gazette its intention to carry out an investigation on a particular issue creates difficult conditions for the commission to carry out investigations as this may result in destruction of evidence as well as present a threat to witnesses.

5. It is recommended that the Bill must do away with the issue of legal representation as this creates a legalistic procedure that perpetuates unbalanced power dynamics within the society. Victims in most cases cannot afford legal representation. Adopting a legalistic procedure reduces the commission to a court of some sort. It is recommended that a provision be inserted to encourage the Commission to use an informal procedure in its work.

6. Section 7 (4) bars the Commission from interfering with matters under the courts. This further equates the commission to a court of law. The objectives of the commission are different from the goals of the courts hence the commission must be given power to entertain any matter brought before it. Additionally, this provision can be abused by powerful actors to frustrate the work of the Commission.

7. Section 8 (7) of the Bill gives the Minister power to interfere with NPRC proceedings by issuing a certificate to prevent public disclosure of evidence. Such power to decide whether evidence must be disclosed in public or in camera must be given to the commission. This provision is offensive to the principle of equality before the law as it gives the Minister power that is above every other entity or person. It has to be noted that most conflicts emanate from the uneven power distribution dynamics in the society. The NPRC must not be subjected to such unbalanced power dynamics that created the conflicts that it is meant to deal with. If the Minister or any other entity feels offended by the activities of the NPRC, they must approach the courts, just like any other person with no special privileges. Many participants during the public outreach meetings would not trust the Minister of Healing, who is also the Vice President, because in the past he had insinuated non-belief in the existence of past violations like the Gukurahundi.

8. Section 8 (13) of the Bill provides for safe and impartial space for hearings. This is a noble principle which, however, begs for a more concrete approach to realizing the noble goals of protecting all persons interacting with the Commission, especially the survivors of past violations. There is need for a more comprehensive witness protection mechanism, which should be added to this section.

9. Section 9 of the Bill gives too much power to the Minister including power to decide what to do with the recommendations of the Commission. This is in violation of section 253 of the Constitution which provides that the NPRC reports to the Parliament. The proper understanding of this constitutional provision is that the Minister is a courier of the Commission's report to the Parliament. The Bill must be changed to ensure that the report which the Commission presents to the Minister, is the same report that must be presented to the Parliament. The Bill must give a timeframe for the transmission of this report to the Parliament and make provision for the Commission to address Parliament. The Minister must not have power to decide what to do with the recommendations. This would be the role of the Parliament.

10. Sections 10 and 11 of the Bill must be removed as they are in contradiction to section 234 of the Constitution which empowers the Commission to employ its own staff and regulate its own conditions of service. The same sections must not determine how the Commission will structure its own secretariat. It is recommended that the Bill simply affirm the power of the Commission to hire its own staff and develop its own human resources policy. It is recommended that the criteria for staffing recruitment be based upon a variety of skills relevant to the functioning of the NPRC, including independence, integrity and competence. Section 12 of the Bill must be changed again so that it is in line with section 234 of the Constitution. There is no need to consult any Minister in hiring the staff of the NPRC.

It has to be noted also that the secretariat will be the backbone of the NPRC. Staff, which is selected based on merits in a transparent manner ensures the integrity and professionalism of the Commission, whereas the regulations in the NPRC Bill in this regard threaten the credibility of the Commission.

12. Section 13 provides for several reports which the Commission must send to the Minister. The entire section must be changed to provide that any reports which the Commission produces are destined for the Parliament because the Commission is accountable to the Parliament. Again, in this case, the Minister is simply a transmitting agent. This will be in line with section 323 of the Constitution.

13. Section 14 of the Bill must reflect and affirm section 322 of the Constitution which gives Parliament the obligation sufficient funds are available for the Commission to exercise its functions effectively. Further to that, the Bill must grant financial autonomy to the Commission to receive donations from development partners without need for approval by the Minister.

14. Sections 14, 15 and 16 must remove all reference to the control or direction of the Minister. The Commission must be empowered to develop its own accounting and auditing procedures whose reports will be submitted to the Parliament in line with section 322 of the Constitution.

15. Section 18 of the Bill must be replaced by a provision that provides for a post-Commission implementation mechanism to ensure that the work of the Commission does not terminate with its tenure. It is recommended that a Parliamentary Committee be constituted to ensure the implementation of the recommendation of the Commission as it is the duty of Parliament under section 119 (2) to ensure that all institutions and agencies of government act constitutionally and in the national interest. Within this context it has to be noted that a commission like the NPRC is a body which is established for a certain time to investigate past gross and systematic human rights violation. Its ultimate goal is to assist in bringing closure and peace not only to victims and their families but closure and peace to a divided society. International practice shows that commissions end their task by recommending various measures for redress. These recommendations may entail prosecution of the perpetrators, reparation measures to the victims including measures like institutional reform and strengthening the rule of law to guarantee non – recurrence. A commission is not an implementing body, it's the task of the state to implement the recommendations in a reasonable time. Experience from many truth commissions has shown, that to avoid lack of proper implementation of recommendations, its essential that states put a proper schedule and the necessary steps for the implementation plan. The plan should be set up after a consultative process and include all stakeholders. States must budget appropriately to adhere to the set plan and seek funding when appropriate. The implementation of the plan should be transparent and the public should be informed on the achievements.

16. Several provisions of the Bill suggest that the work of the commission will be limited to identifying individual responsibility only, and not the underlying causes of conflict, including the role of the state actors, armed groups and state institutions. It is recommended that the Bill includes an opening preamble which states that the Commission's mandate is to ensure a comprehensive approach to dealing with the legacy of past violence. The specific mandate of the NPRC according to section 252 of the Constitution is to deal with the past in a manner that ensures post-conflict justice, healing and reconciliation, truth – telling about the past, making of amends and the provision of justice, and, peaceful resolution of disputes. This is a mandate that makes the NPRC clear and distinguishes it from other commissions such as the Zimbabwe Human Rights Commission (ZHRC). The current wording of the NPRC Bill does not reflect this.

17. There is need for a provision in the Bill which deals with the preservation of the legacy of the NPRC. Such a provision will ensure the documentation and archival of material received during the course of the Commission's work and how it can be accessed

in the future. The United Nations Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence has stressed in his report to the Human Rights Council that: Access to well-preserved and protected archives is an educational tool against denial and revisionism, ensuring that future generations have access to primary sources, which is of direct relevance to history teaching.

Truth Commissions should among others:

- Build provisions for the eventual disposition of their record,
- Engage archival expertise,
- Plan to deposit their archives in the country where the violations occurred and the commission operates, duly taking into account considerations of the security , integrity and accessibility of the archives,
- Call for independent oversight of the archives.

18. The absence of the provision for dealing with the women specific concerns was glaring and the participants objected to the Bill citing this as one of the weaknesses of the Bill.

Truth commissions like the NPRC , although not a judicial body, investigate cases, conduct public or camera hearings, submit reports to the oversight body and recommend actions to be taken by the government. These processes need to be documented, achieved and made accessible to the public. The achieved documents are part of memorialisation, adhere to the right to know should be used for education purposes and are part of the history of a nation.

Conclusion

Some aspects of the above mentioned recommendations will require more than just new sections in the bill. Some will require more consultations and more comprehensive tools for handling matters like protection of victims. It is recommended that the responsible Ministry take time to engage with all interested actors and bring back to Parliament a Bill that clearly reflects the expectations of the people of Zimbabwe hence showing an undoubted will of the government to sincerely engage in a truly national process of healing and reconciliation. The withdrawn Bill lacked that message as it reflected in the executive a case of the moon covering the sun, causing an eclipse of the actual purpose of the NPRC as outlined in the Constitution.

Civil Society Impression of the NPRC Bill Hearings A Country Crying out for Healing!

By Gladys Kudzaishe Hlatywayo
ZIMCET

If left untreated, wounds have a tendency of becoming septic and even cancerous. Sometimes they tend to temporarily vanish only to reappear in a more aggressive form. Such is the state of our beloved country Zimbabwe.

The use of violence as a decisive instrument in response to the ferocious colonial rule became Zimbabwe's greatest undoing post independence. Born out of a bloody protracted war of liberation and faced with the real challenge to balance peace and justice, Zimbabwe failed to initiate far reaching transitional justice mechanisms that were to ensure that violence was to be a thing of the past and set a strong foundation for sustainable peace. The use of violence was to be seen during Gukurahundi, Murambatsvina, the heavy handedness of security apparatus in dealing with protests and many electoral periods. It is against this background that the Constitution of Zimbabwe now provides for the National Peace and Reconciliation Commission (NPRC) to ensure post conflict justice, healing and reconciliation.

But is Zimbabwe a post-conflict country?

Transitional justice is usually judicial and non-judicial measures geared towards redressing legacies of massive human rights abuses and are aimed at achieving accountability for human rights violations. In the words of Alex Boraine it 'seeks to confront perpetrators, address the needs of victims and start a process of reconciliation and transformation towards a more just and humane society". Escalating human rights violations make it difficult to classify Zimbabwe as a post-conflict society and therefore casting doubt on the entire transitional justice process. Yet it is important to highlight that the NPRC did not come out of the benevolence of the state but is a result of struggles. Civil society organizations and other pro-democracy forces fought hard to ensure transitional justice questions were captured in the current constitution. It was this conviction that set us in motion as civil society organizations and made us mobilize our community peace structures to actively participate in the NPRC Bill Public Hearings between 11th and 20th of April 2016. We had also been engaged in constitutional literacy campaigns specifically focused on Section 251-253 of the Constitution and sought to leverage on our peace building efforts since 2000.

What we witnessed as we criss-crossed the length and breadth of the country was a genuine clarion call for healing and an end to impunity. For a very long time victims have not been accorded a chance to speak out and be heard. Against all odds, citizens were brave enough to air their views and share their pains to the very people they accused of sponsoring their suffering. On several occasions the various Parliamentary Committees had to distinguish themselves from the NPRC and highlight that they were merely tasked with harvesting views on the NPRC Bill and not collecting the actual complaints. This was not because citizens were ignorant for they were able to eloquently articulate their concerns on the bill. Participants vehemently rejected the idea of a ubiquitous executive and an "executive" commission. They clearly articulated the need for an independent commission that would directly report to Parliament, have financial autonomy, have the ability to hire its own staff and have powers to summon anyone regardless of their position. The Minister's power to issue a Ministerial Certificate to stop evidence from being given openly was rejected during the Public Hearings. Citizens also called for the Bill to unambiguously articulate the

constitutive elements of transitional justice namely truth, justice, reparations and guarantees on non-recurrence.

Citizens poured their hearts out because they have bottled up anger and had found a window of opportunity to let out some of it. Horrendous stories were shared on how parents lost their children in painful and needless circumstances. A visibly hurt father furiously questioned the sincerity of the process and the choice of Tendai Hall in Bindura as the venue of the NPRC Bill Public Hearing arguing that it was previously used as a torture camp and was the venue of the unspeakable acts of murder perpetrated on his two sons. Women shared how they were sexually abused. Activists narrated how they lost income as a result of politically motivated dismissals from work, how their houses were razed to the ground, displaced, unlawfully arrested, assaulted, abducted, tortured and maimed. Many tears were shed during these Public Hearings as victims relived their chilling experiences. It was a sombre atmosphere in the majority of the Public Hearings.

But the story will be half complete without the role played by the perpetrators in these Public Hearings. Some were victims who had turned into perpetrators. Their argument was that “Smith is no longer alive to compensate us” and therefore let ‘bygones be bygones’. Beneath the seemingly brave faces was fear; all of a sudden the promises that had been made to them that they were untouchable were increasingly becoming untrue. In Chinhoyi they disrupted the Public Hearings and regularly broke into “Chimurenga” songs, and chanted ZANU PF slogans, blocking those with different views from making their submissions. I personally watched as the Members of Parliament in charge of the hearings sat helplessly in front, some smiling and seemingly enjoying the chaos! Armed with my phone, I took pictures and videos of the chaotic scene until a violent mob chanting ZANU PF slogans charged at me and smashed my phone to the ground. Luckily enough I did not lose my videos and pictures. I could not fathom that such intimidation and violent behavior was being exhibited at a meeting to discuss peace!

Such is testament to the urgent need for national healing and reconciliation in our motherland. Given the emotive nature of the subject, it is imperative that we have an independent and a strong commission to deal with the issues in a non-partisan manner. The transitional justice process will require strong leadership and champions both within government and outside government for it to be a success. There are hurdles on the way to be crossed but equally there are windows of opportunity to be exploited and it is incumbent on the civic actors to continue pushing until the ideal is achieved.

Another Zimbabwe is possible!

Peace and Reconciliation!

... but what about Healing?

By Tony Reeler

NTJWG Thematic Leader in Institutional Reform

As the interest in the NPRC heats up, with the Commissioners appointed and the draft Bill subjected to scrutiny, it is worth looking at one of the most central reasons for having this Commission: the consequences of the deliberate infliction of harm. This may seem to many an overly emotional way of talking about the violence of the past, but, as I hope I can show briefly, not if you look at history through the eyes of those that have suffered under the decades of violence. And, for those unconvinced that Zimbabwe (and Rhodesia before it) has a very violent past, I recommend a read of Lloyd Sachikonye's excellent book, "When a State turns on its Citizens".

It is worth pointing out at the outset that the effects of violence have long been a cause of concern for health workers, and not merely those dealing with the effects of war, but also of those concerned about violent crimes such as rape. Ann Burgess and Lynda Holstrom first described the rape trauma syndrome in 1974. But health workers dealing with the effects of war eventually came to consensus on a description of a consistent set of symptoms that was first called a gross stress reaction in 1952, and then emerged as Post-Traumatic Stress Disorder (PTSD) in 1980. This has not been an entirely accepted definition, but has nonetheless become a useful way for looking at the effects of war, rape, torture and even terror. And all of these have strongly featured in the 60 years of violence documented by Lloyd Sachikonye.

An additional point, and why I raise PTSD, is that we too often think about the physical effects of violence – death, wounds, disability, etc. – but rarely about the psychological consequences which are probably the most common and frequently long-lasting consequences. And not just PTSD but also depression.

Now none of this is probably new to Zimbabwean citizens, but it does seem that we are largely unaware of the scale of the problem that 60 years of violence has left us, and must be a central preoccupation for the NPRC. As the Constitution expresses this in Section 252 (e), the NPRC has the function to develop programmes to ensure that persons subjected to persecution, torture and other forms of abuse receive rehabilitative treatment and support.

This will be no small task, because, as one might understand from the introduction, time does not easily heal, and hence we have the victims, and some survivors, from 60 years. This includes the political violence and torture of the 1950s and 1960s, the immense violence of the Liberation War, the thousands of casualties of the Gukurahundi, and all the sustained violence since 2000. And how many people might this be? There are attempts to estimate the scale. A recent report tried to estimate the scale of the problem, and even suggested some ways in which the problem might be addressed.

Take a look at the effects of the Liberation War, and there is no national study on the psychological effects, but the severity was partially captured by the National Disability Survey in 1981. That survey estimated that there were 276,300 (4% of the population) persons living with moderate to severe disability, some of which was due to war. The survey, however, did not capture the psychological effects; after all, PTSD had only been "invented the year" before. But later work showed that the psychological burden was not trivial. A study carried out in Mount Darwin in 1998, severely affected during the Liberation War, showed that 1 in 10 adults over the age of 30 years, and coming to a primary care

clinic for assistance, was primarily there because that person had been a victim of organised violence and torture during the Liberation War. This was nearly two decades after the war had ended and people were still suffering: time does not necessarily heal!

The figures were worse when the Gukurahundi was examined. One study in Matabeleland South showed that 5 in 10 adults, over 18 years, were attending a primary care clinic for problems related to the violence of the 1980s. Even more startling was the finding that 9 out of 10 adults in the same study reported being a victim of organised violence, but clearly not all were suffering. However, that half of the population studied had significant psychological disorder was distressing, and, if this actually extrapolates to the population of Matabeleland North and South, we are talking about a very large number of people in need of assistance.

And it just goes on. An ActionAid study on the effects of Operation Murambatsvina indicated that nearly 70% of the people interviewed had consequent psychological symptoms. It is always dangerous to extrapolate from such surveys, but, if the conventional figure for the number of people displaced by Operation Murambatsvina, 800,000, is correct, then we are talking about half a million people.

This may not be so fanciful. A study carried out in 2006 in the clinics of Harare showed that the prevalence of psychological disorder had risen to 39%, up nearly 10% from the estimates of the 1990s. The risk factors for becoming psychologically disordered corroborated the ActionAid study: multiple experiences of violence and having property destroyed or confiscated were far and away the most common precipitants of psychological disorder.

Hopefully, the point here is becoming clear. Violence has long-lasting effects, and we in Zimbabwe have had an enormous amount of violence inflicted upon us. This will be an enormous task for the NPRC, and probably not able to be fully dealt with in the proposed life span of the Commission. It is a pressing reason to stop all the delays in establishing the NPRC, and getting on with the job of spearheading the task of healing the nation. After all, victims that are healed are probably more forgiving than those that are not; victims that are healed might make more informed participants in how truth and justice might operate; and, of course, there is the urgent need to ensure that we do not add more victims to the existing population.

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Why Should Survivors Care About the NPRC?

Sekai's Story of Courage in the Face of Violence

Interview with Sekai Gombe Zimbabwe Victims of Political Violence Trust (ZVPVT)

From 10 to 18 April 2016, three committees from Parliament visited different provinces of Zimbabwe holding public hearings on the National Peace and Reconciliation Bill. The committees that convened the meetings were; the Parliamentary Thematic Committee on Peace and Security, the Justice Legal and Parliamentary Affairs Committee, and the Parliamentary Thematic Committee on Human Rights.

On 13 April, the Committee held a public hearing in Mutare at Mutare Civic Centre Hall. Over thirty people turned up for the meeting which started at around 10:00 am. The meeting was chaired by Hon. Senator Mumvuri. In the middle of the opening prayer, about three men who identified themselves as war veterans of the liberation struggle interrupted the opening prayer and asked the chair to start the meeting with a national anthem and not a prayer. The war veterans stood up and asked the chairperson to defer the meeting because the nation was mourning the death of Dr. Victoria Chitepo who had passed on the previous day. The chairperson advised the war veterans that they had no right to interfere with the official proceedings. The war veterans threatened to disrupt the proceedings.

One young man raised his hand and called the house to order. He stood up and told the war veterans that they had no right to interrupt the proceedings. He said if the war veterans were not comfortable with the nature of the meeting, they must leave and not interfere with proceedings. He told them that if they wanted to mourn Dr. Chitepo, they were free to leave the place and go to the Heroes Acre to mourn the departed national heroes. The whole house applauded and the war veterans were led out of the meeting. The meeting proceeded.

After the meeting, NPRC Watch met with the courageous young man and had a discussion with him. His name is Sekai Gombe from Nyanga. We asked what motivated him to defend the proceedings. Sekai shared his painful story.

Sekai is an active member of one political party in Nyanga and is the founder of the Zimbabwe Political Victims Foundation Trust. Sekai's troubles started on 13 May 2008, in the run up to June 27 election run off. On that day, one political party convened a meeting at Avila Business Centre in ward 2 in Nyanga North. Sekai happened to be at the shops minding his business. On his way home at around 1400 hours, he was confronted by one political activist (name supplied) and asked to attend the political gathering. Sekai obliged, joined the meeting and followed proceedings. The leaders (names supplied) started chanting slogans. As other people responded, Sekai remained quiet. The leader announced that if anyone was not interested in participating, then they should leave the meeting. He continued the slogan. Sekai stood up to leave the meeting. The youth leader stopped him and asked why he was not responding to the slogans. He asked him to sit down and participate in the meeting. Sekai refused and decided to walk away.

As he left the meeting, the leader shouted to the youths 'Batai munhu!' (Catch him) The youth, who knew Sekai were reluctant to catch him. The leader tried to hit him with a fist, and as Sekai blocked the fist, other youths came and started beating him with hands

indiscriminately. Someone picked a hard substance which looked like a stone or a brick and hit him at the back of his head and Sekai fell down and lost consciousness.

When Sekai regained consciousness, he found out he was at Avila Hospital, one of his friends came to see him and he contacted Sekai's friends and family. At around 2300 hours, Sekai was ferried by an ambulance to Seventh Avenue Surgical Unit (SASU) Private Hospital in Mutare where he was admitted for seven days. While in hospital, Sekai learnt that political violence has flared in Nyanga with militia road blocks all over. His wife had been visited by the militia and wanted to take her to the night meetings. She fled and sought refuge in Mozambique and advised Sekai not to return to Nyanga.

After being discharged from Hospital, Sekai was transmitted to Harare and stayed in a safe house until 15 September 2008 when the Global Political Agreement (GPA) was signed between the ruling ZANU PF and the Movement for Democratic Change formations.

As a democracy and human rights activist, Sekai has not found peace in his community. In November 2011, he was again arrested for convening a social development meeting on behalf of the then Member of Parliament for Nyanga North. He was detained without trial for three days and then remanded in custody for three weeks at Mutare Remand Prison. The charges were that he had held an illegal meeting, despite the fact that he had a stamped letter of clearance from the police signed by the then Officer in Charge at Nyamaropa Police Station. He was then represented by the Zimbabwe Lawyers for Human Rights (ZLHR) and acquitted of all charges.

Sekai has continued to work towards redress for violations committed against him and others. He believes that the NPRC can play a role in that process. This is why Sekai decided to confront the war veterans who tried to disrupt an NPRC public hearing.

NTJWG believes that the process of building peace must have survivors of human rights violations at the front row. Listening to stories of survivors allows society to formulate policies that are informed by the needs and expectations of those worst affected by gross violation of human rights. If you wish to share your story with us, please feel free to email us on nprcwatch@ntjwg.org

NPRC ON THE SPOTLIGHT

You have the right to know, and to participate!

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