



NATIONAL  
TRANSITIONAL JUSTICE  
WORKING GROUP  
ZIMBABWE

# NPRCWATCH

## NEWSLETTER

ANALYSIS ■ PROFILES ■ NEWS ■ RECOMMENDATIONS ■ PARTICIPATION



### In this Edition

THIS newsletter will detail developments that occurred in the transitional justice sphere over the past two months. This newsletter comes at a particularly challenging time in Zimbabwe when the numbers of cases of COVID-19 infections are rapidly increasing with COVID-19 statistics standing at 1478 confirmed cases including 675 local cases of transmission and a total of twenty-five deaths. This is a worrying trend and the NTJWG urges all Zimbabweans to take extra caution as they go about their daily routines to minimise their risk of infection and protect those around them. The NTJWG also calls upon the government of Zimbabwe to increase PCR testing of citizens to ensure early detection of infection so as to curb the spread of COVID-19 in communities.

In this edition of the National Transitional Justice Working Group's (NTJWG) newsletter, we focus on the activities of the NPRC, commemorations of important transitional justice days and the activities of the NTJWG and its stakeholders. As always we welcome your feedback and urge you to stay safe during these difficult times.

### NPRC ACTIVITIES

#### NPRC on the Airwaves

On the 30th of June Mr Joseph Mashingaidze, the NPRC General Manager for the Conflict Prevention, Management, Resolution and Transformation Committee was on Diamond FM discussing the promotion of peaceful co-existence of artisanal mining communities in Zimbabwe. The radio program was done under the banner of the Green Governance Zimbabwe Trust, a civil society organisation working to promote sustainable environmental management through advancing citizen inclusion and participation in natural resources management. The NTJWG commends this timely collaboration between the NPRC and Green Governance Zimbabwe Trust. Given the surge in the numbers of artisanal miners attributable to the economic hardships prevailing in the country there has been an increase in violence in communities in the form of clashes between the miners and community members over resources.

#### Training Midlands Provincial Peace Committee

From the 30th of June to the 2nd of July the NPRC held training for its Midlands Provincial Peace Committee aimed at capacitating members on how to fulfil their mandate of carrying out peace building activities in their provinces in line with the NPRC's bid to decentralise its operations. The Midlands Peace Committee is one of the ten provincial peace committees that the NPRC has established across the country. The NTJWG looks forward to the finalisation of the outstanding PPC trainings for the Matabeleland South and Mashonaland West after which all the PPCs will have been capacitated to efficiently work in their provinces.

#### Independent Commissions Trained on Complaints Handling

The Zimbabwe Human Rights Commission, Zimbabwe Gender Commission and the NPRC had joint Complaints Handling and Investigations Workshop in Kadoma from 21-23 July 2020. The workshop was aimed at training the commissions on complaints handling and give them the opportunity to learn from each other and share their experiences so as to improve how they handle complaints. The NTJWG commends the collaboration by the Independent Commissions and looks forward to observing improvements in the handling of complaints by the commissions.

#### The NPRC accounts to Parliament

On the 27th of July, the NPRC met with the Parliamentary Portfolio Committee on Justice, Legal and Parliamentary Affairs and the Thematic Committee on Human Rights to reflect on its programs in 2019. Among some of the issues that arose during the meeting was the outstanding 2019 Annual Report of the NPRC which has been submitted to the Minister to present to Parliament. Such meetings between Parliament and the NPRC are crucial for accountability purposes as they enable the NPRC to report to Parliament on its activities beyond just presenting the Annual Report as required by the Constitution. The NTJWG calls upon Parliament to convene a similar meeting which will be open to civil society organisations that work with the NPRC and communities. Such a meeting is critical for objective assessment of the NPRC's programs and the identification of areas of improvement.

### NTJWG ACTIVITIES

#### NPRC Briefing

On the 29th of June, the NTJWG met with the NPRC and presented its Briefing for the first half of the year. During the briefing the NTJWG highlighted its concerns over the exhumations discourse that appears to have been taken over by the Executive to the exclusion of the NPRC; the NPRC's failure to publicise its 2018 and 2019 Annual Reports according to section 16(7) of the NPRC Act [Chapter 10:32]; and the way in which the departure of former Commissioner Netty Musanhu from the Commission was announced on Twitter. The NTJWG acknowledged the efforts made by the NPRC to disseminate information on its mandate and the mandate of its different committees during the national lockdown period, the NPRC's efforts to curb politicisation of food aid and corruption in the distribution of subsidised mealie meal, the NPRC's press statement in which it reviewed the national lockdown and condemned the human rights violations that were being perpetrated by law enforcement officers. In response to the NTJWG's concerns over its failure to meet its reporting obligations, the NPRC highlighted that its 2018 report was presented to Parliament and the 2019 report had been submitted to the Minister of Justice, Legal and Parliamentary Affairs for presentation to Parliament. While the NTJWG welcomed this information it pointed out the importance of timeous reporting by the NPRC which also includes timeous publication of NPRC reports. The NTJWG and the NPRC acknowledged that there was need for more to work to be done to further the transitional justice agenda in Zimbabwe and agreed to continue engaging and collaborating to ensure effective transitional justice processes are carried out.

#### Parliamentary Briefing

On the 16th of July, the NTJWG met the Parliamentary Portfolio Committee on Justice, Legal and Parliamentary Affairs to present the Parliamentary Briefing for the first half of the year 2020. This was the inaugural Parliamentary Briefing and as such the NTJWG used the opportunity to implore Parliament to play its oversight role in respect of official transitional justice processes carried out by the NPRC and the executive. The NTJWG zeroed in on the NPRC's reporting obligations which require it to present an Annual Report to Parliament and also publicise the report. It was noted that the 2018 and 2019 Annual Reports have still not been publicised. Regarding the NPRC's reporting obligations the Committee confirmed that the NPRC's 2018 Annual Report was presented to Parliament with the 2019 report still outstanding. The NTJWG also raised its concern over the executive's response to the COVID-19 pandemic drawing the Committee's attention to the human rights violations that have been perpetrated by law enforcement agents during the national lockdown. The NTJWG also discussed the Constitution Amendment Bill with the Committee calling for objective debate in Parliament regarding the Bill taking into account the views of the people expressed during the public hearings.

#### Discussion on COVID-19 and Transitional Justice

On the 16th of July, the NTJWG hosted discussion on COVID-19 and transitional justice with a specific focus on justice and accountability, the program was aired on HSTV and live streamed on Facebook. The panellists were Mr Alec Muchadehama, the NTJWG Chairperson and Ms Roselyn Hanzi, the NTJWG Thematic Leader on Justice and Accountability. The program focused on the human rights violations that have been perpetrated during the national lockdown period and the need for uniformity in the enforcement of the lockdown nationally among other issues.



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### NTJWG Publications



#### Press Statement on the International Day in Support of Victims of Torture

The NTJWG joined in the commemorations of the International Day in Support of Victims of Torture on the 26th of June 2020 and condemned the use of torture from as far back as pre-independence Zimbabwe to date. In the statement the NTJWG reminded the state of its obligation to protect the people from being subjected to torture, inhumane and degrading treatment and highlighted its concern over the culture of impunity that has been witnessed in Zimbabwe with perpetrators of torture not being held accountable. The NTJWG called for the ratification and domestication of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. You can access this press statement by visiting <https://twitter.com/ntjwgzimbabwe/status/1276407561462394880>

#### Press Statement on Nelson Mandela International Day

The NTJWG joined the rest of the world in celebrating Nelson Mandela International Day on the 18th of July. This day is commemorated in recognition of the contributions made by the late Nelson Mandela, the former South African President, to justice, equality, rule of law, redress for the past, dialogue and reconciliation. In the press statement the NTJWG reflected on the need to eliminate racial inequality across the world particularly as the world grapples with the COVID-19 pandemic. To read this press statement, please visit <https://twitter.com/ntjwgzimbabwe/status/1284397651090452482>

### NTJWG STAKEHOLDER ACTIVITIES

#### The Zimbabwe Human Rights NGO Forum Discusses Torture in Zimbabwe

In commemoration of the International Day in Support of Victims of Torture, the Zimbabwe Human Rights NGO Forum hosted an anti-torture round table discussion on the 26th of June. The panellists were Dzikamai Bere, the Zimbabwe Human Rights Association Director, Dr Frances Lovemore the Executive Director of the Counselling Services Unit, Ms Jestina Mukoko, the NGO Forum Chairperson, Mr Tony Reeler, an Independent Expert and Mr Wellington Nkawu, a torture survivor. The panellists called for the ratification and domestication of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and an end of torture in Zimbabwe noting its long lasting psychological impact. The NGO Forum launched two reports titled "Guns Run Amok" and "Ruled by Violence" which can be accessed by visiting <https://drive.google.com/file/d/1JxgQNQhjZMvSNp7jfVczGHe8Iv-DG4HD/view> and [https://drive.google.com/file/d/1iEiGxSSB3XE0F\\_iE-HsGIYTEBfx40oGTB/view](https://drive.google.com/file/d/1iEiGxSSB3XE0F_iE-HsGIYTEBfx40oGTB/view) respectively.

### Human Rights in Crisis Report Launch

On 16 July 2020, the Zimbabwe Human Rights Association launched a special report titled 'Rights in crisis: A Human Rights Analysis of the COVID 19 Pandemic in Zimbabwe'. The report notes that Zimbabwe is in extraordinary times and it is important that its measures be grounded in pro-poor and pro-future approaches that build long-term resilience in communities. The report analyses the crisis in Zimbabwe ahead of the COVID-19 looking at Zimbabwe's health care system from both national perspective as well as community perspective and examines Zimbabwe's disaster preparedness and response. In Chapter 4, the report looks at the deficit of information as a human right, and how this impacted negatively on the fight against COVID 19. Chapter 5 of the report looks at the gender issues and the disproportionate impact of COVID-19 on women and girls in Zimbabwe. The report finds that there is need for direct support towards women and girls to mitigate the impact of COVID-19 on families including recapitalizing women businesses. Chapter 6 gives an overview on the general impact of COVID-19 on the economy, the effect of the measures put in place by government to curb the spread of COVID-19 and the concerns around testing of citizens, tracking of possible cases of infection and isolation of the infected. Finally in Chapter 7 the report looks at the education sector as one of the major casualties of the virus especially on marginalized communities without access to online learning facilities. The report finds that there is need to level the playing field in the education sector to ensure that no one is left behind. The report concludes by noting that it is important that Zimbabwe's COVID-19 response measures be grounded in pro-poor and pro-future approaches that build long-term resilience in communities.

### Government Cracks Down on Dissenting Voices

The Zimbabwean Government cracked down on activists in July with the police arresting Hopewell Chin'ono an investigative journalist and Jacob Ngarivhume, who was also arrested today, is the leader of Transformation Zimbabwe, a local Non-Governmental Organization. The pair were charged with inciting violence. The arrest of Hopewell Chin'ono comes shortly after he did an expose which revealed corruption in respect of US\$60 million worth of contracts awarded to companies at inflated prices for COVID-19 supplies, including Personal Protective Equipment, by the Ministry of Health. Jacob Ngarivhume's arrest comes at a time when he is suspected of being one of the organizers of the 31 July protests planned against corruption. The two are currently awaiting trial in remand prisons after their bail application were denied in the Magistrates Court. The NTJWG condemns the persecution of Hopewell Chin'ono and Jacob Ngarivhume as views their persecution as an attempt by the government to silence dissenting voices and whistle blowers. The suppression of dissent is a potential cause for conflict and has no place in a democracy like Zimbabwe. The NTJWG therefore calls for an end to their persecution, the creation of a democratic space where all voices matter and the celebration of whistle-blowers.

### ZANU PF Press Conference on 31 July

The month July was dominated by calls for Zimbabweans to protest against corruption on the 31st of July 2020. In response to these calls, on the 27th of July, the ZANU PF Spokesperson Patrick Chinamasa held a press conference in which he threatened that ZANU PF would unleash its own supporters to counter the 31 July protests which he accused the MDC Alliance of organising. The NTJWG is concerned about Mr Chinamasa's utterances which were filled with hate speech and encouraged violence against protestors were aimed at intimidating protestors and inciting violence. The right to protest is a constitutionally enshrined right in Zimbabwe and should be enjoyed by all without fear, such utterances therefore not be condoned. Mr Chinamasa also made reference to the violence of 1 August 2018 and January 2019 in his speech. The NTJWG condemns the use of tragedies such as those witnessed in August 2018 and January 2019 to discourage citizens from exercising their rights and calls for the sanctioning of Mr Chinamasa. Holding Mr Chinamasa accountable for his utterances is imperative for showing the people of Zimbabwe that hate speech and inciting violence will not be tolerated nor will it go unpunished.

## IN THE NEWS

### MDC Alliance Trio Granted Bail

Justice Davison Foroma sitting in the High Court in Harare on the 26th of June 2020 granted bail to MDC Alliance members Honorable Joana Mamombe, Cecelia Chimbi and Netsai Marova who had been in prison for close to two weeks, after they were denied bail by Harare Magistrate Bianca Makwande on Monday 15 June 2020. Hon. Mamombe, Chimbi and Marova were arrested by Zimbabwe Republic Police members on 11 June 2020 and charged with publishing or communicating false statements prejudicial to the state as defined in section 31(a)(ii) of the Criminal Law (Codification and Reform) Act and publishing or communicating false statements prejudicial to the state as defined in section 31(a)(iii) of the Criminal Law (Codification and Reform) Act. The trio was also charged with defeating or obstructing the course of justice as defined in section 184(1)(f) of the Criminal Law (Codification and Reform) Act. Justice Foroma granted the trio bail after ruling that Magistrate Makwande had misdirected herself when she denied the three women bail. The Judge ordered the trio to pay RTGS\$10 000 each as bail, to report at the Criminal Investigations Department's Law and Order Section at Harare Central Police Station on Mondays Wednesdays and Fridays, to continue residing at their given residential addresses, not to interfere with state witnesses and to surrender their passports to the custody of the Clerk of Court at Harare Magistrates Court until the finalisation of the matter. Justice Foroma also barred the trio from communicating whether directly or otherwise with public and or private media including social media in connection with their matter.



#### ON THIS NEWSLETTER

Please share with us your feedback on the content that we have just shared with you. To view or download the newsletter online click: <http://www.ntjwg.org.zw/publications.html>.



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