



### Introduction



The NTJWG is pleased to issue a summary of the 11th Edition of the NPRC Watch Report detailing transitional justice developments emanating from the second quarter of 2020. In the previous edition, the NTJWG noted with concern, the pressing need for the Government of Zimbabwe to put in place robust measures to deal with the COVID-19 pandemic. There was, and continues to be, a real apprehension that the effects of the pandemic will be worsened by the ongoing public health crisis, social crisis and deteriorating human rights situation in the country. The NTJWG observed that there was an urgent need to employ innovative public policy interventions and human rights-based approaches in response to the pandemic.

From the initial period that the COVID-19 national lockdown measures were put in place, the NTJWG noted the endemic corruption by government officials in relation to the procurement of COVID-19 related supplies. Cases of underhanded activities began to emerge, particularly with regard to the procurement of COVID-19 drugs and health equipment, such as testing kits. Additionally, there was an insurgence in the muzzling of the press and the harassment of citizens engaged in exposing corruption and bad governance in the country. Reports of rogue security service officials from the Zimbabwe Republic Police and the Zimbabwe National Army assaulting and torturing citizens were reported to the Zimbabwe Human Rights NGO Forum and other human rights organisations. Unsurprisingly, these events effectively militated against the smooth implementation of the lockdown interventions.

It is well established that the Government of Zimbabwe has, over the years, failed to provide and supply potable water to its citizenry. In the midst of the pandemic, more particularly, in May, residents of the Bulawayo suburb of Luveve bore the brunt of the non-provision of safe water by the State and local authorities when. According to an article published in the Sunday News Newspaper on 19 June 2020, many Luveve residents suffered acute gastrointestinal diseases resulting in the death of at least 9 people. The deaths were attributed to the ingestion of unsafe municipal drinking water from the taps. The ZANU PF led government blames the MDC Alliance led City Council and in return, the latter blames the former, effectively leaving residents stranded without redress. The NTJWG urges both the central and local government authorities to work together in fulfilling their constitutional mandate to the people of Zimbabwe to provide clean and safe water.

### Assessing the COVID 19 situation in Zimbabwe

#### The scourge of corruption and how it has affected the COVID-19 response in Zimbabwe

The medical fraternity in Zimbabwe raised concerns about the state of local medical facilities and their lack of preparedness for the pandemic and naturally, the expectation was that the Government of Zimbabwe would assist in remedying the situation by providing funds for the required equipment. The government made several pronouncements in response to the calls for more equipment and a higher budget to deal with the COVID-19 crisis, including assurances that it would ensure that adequate response mechanisms would be put in place. However, it appears that the public procurement process for COVID 19 related supplies that include medical drugs, medical equipment and other ancillaries

was hijacked by criminals and individuals who are reportedly close to those in government. For instance, it was reported in the media that a company operating under the name Drax International was allegedly, improperly awarded a USD 60 million contract to supply medical equipment and drugs to the Government of Zimbabwe. The Minister of Health and Child Care Dr. Obadiah Moyo and other government officials were implicated. In the wake of the reports, there was a sudden flurry of activity to cancel the contracts by the government, as well as the arrests of all those who were implicated. The NTJWG welcomes such a development and calls for accountability and the bringing to book of all those involved. The NTJWG remains wary however of a seeming “catch and release” strategy by the government wherein those accused of wrongdoing are arrested, taken to court and based on questionable grounds are later exonerated or, their cases “fizzle out” as it were.

### Corruption at immigration points and quarantine facilities

When the first cases of COVID-19 were discovered in Zimbabwe, there were reports that people who were entering the country from foreign countries were refusing to be tested for the virus. In other cases, highly placed relatives of government officials were reported to be bribing or demanding that their relatives be released from the quarantine centers. At the end of the reporting period, nearly two hundred cases of escaped returnees who were detained at the quarantine centers had been reported. Reportedly, individuals who were quarantined started bribing police officers and government officials manning the quarantine centers to release them. Multiple reports of such incidents and subsequent escapes were noted. This created and posed a great danger to all Zimbabweans due to the risk of exposure and increased risks of local transmission. A public campaign was subsequently carried out by the government on radio, television and social media, releasing the names of those who had escaped from the quarantine centers. This led to a reduction in the number of escapees and the government managed to increase the testing of those in quarantine centers in addition to ensuring that the facilities were at least habitable.

### Human Rights Violations during the national lockdown by state security institutions

The Zimbabwe Human Rights NGO Forum (The Forum) has been carrying out a special exercise in the monitoring, documenting and daily reporting of human rights violations in the country since the COVID-19 lockdown measures were put in place by the government. The Forum’s reports show continued human rights violations as members of the Zimbabwe Republic Police have been found beating and torturing citizens accused of flouting lockdown regulations. The assaults, arbitrary arrests, attacks on journalists and abductions recorded by the Forum are indicative of a rapidly deteriorating human rights situation in the country.

### Destruction of property and looting of goods by municipal and state police

During the reporting period, the NTJWG received hundreds of reports of the destruction of market stalls, particularly in the high-density areas where most people depend on selling vegetables and run makeshift shops to survive. In scenarios reminiscent of the *Murambatsvina* era of 2005, City Council police have adopted the use of city by-laws in order to take advantage of the government measures on the lockdown, to implement measures of their own that they have struggled to implement over the years.

### Transport blues as a result of the national lockdown measures

When the national lockdown measures were put in place by the government on 30 March, there was a blanket ban on all public transport systems. The government moved quickly to reintroduce

the Zimbabwe United Passenger Company (ZUPCO) Bus System as the sole provider of public transport. The government through the Minister of Local Government, Hon. July Moyo then made a call for public transport operators to register to join the ZUPCO Bus Rapid System if they wanted to be allowed to operate. Some operators accepted the call whilst others refused, citing low returns as the cause. The government remained adamant however that the public transport system of public service vehicles (PSVs) commonly known as “kombis” would not be allowed back onto the roads. Consequently, this resulted in severe transport challenges for most commuters.

### Zimbabwean Government Holds Public Hearings on Amending the Constitution amidst National Lockdown

In June 2020, the Parliamentary Portfolio Committee on Justice, Legal and Parliamentary Affairs held public hearings on the Constitution of Zimbabwe Amendment No. 2 Bill. There was public outcry and several civil society organisations argued that the prevailing conditions were not conducive to hold public gatherings of that size. Despite the public outcry, the open hearings proceeded, with some people failing to participate due to transport and transport related impediments, such as numerous police road blocks preventing access to the city. Two citizens, namely, Namatai Kwekweza and Vongai Zimudzi were arrested by police officers outside the New Government Complex in Harare for sitting with placards, outside the complex, urging the government to consult with the three million people who voted in favor of the Constitution in order to gather their input on the proposed amendments to the Constitution. The duo was charged with the crime of participating in a gathering with intent to cause public violence and was subsequently released on bail.

### Politically motivated violence and torture during the COVID 19 pandemic

On 13 May 2020, there was a public demonstration in the Warren Park suburb of Harare that was organised by members of the MDC Alliance. The demonstration reportedly went ahead without any challenges and the police did not seek to stop or prevent it. However, on the same evening, Joana Mamombe (MDC Alliance legislator for Harare West), Netsai Marova and Cecilia Chimbi who are all members of the MDC Alliance and leaders in the party’s youth league were arrested and later abducted. They were missing for two nights until they were found in Bindura South. The three reported that they were tortured and sexually violated during the abduction. The trio was attended to at a private hospital before being arrested by the police for allegedly faking their abduction and organising an illegal demonstration. The NTJWG reminds the Government of Zimbabwe of its international and domestic legal obligations to ensure the security of all people in Zimbabwe. Further to that, the Government of Zimbabwe has a legal duty to investigate all reports of human rights violations and ensure that the perpetrators thereof are brought to account. The NTJWG, therefore, calls upon the Government of Zimbabwe to ensure that a thorough and impartial investigation is conducted with the view of enabling the victims of human rights violations to obtain justice.

### Violations against the media fraternity in the midst of COVID 19

Between 31 March and 15 April 2020, following the country’s 21-day COVID 19 lockdown, MISA Zimbabwe recorded 15 cases of journalists who were either assaulted, harassed or arrested while performing their constitutionally guaranteed duties. In April, a court order was granted in favour of MISA by the High Court of Zimbabwe. MISA filed an urgent chamber application with the High Court in Harare seeking an order interdicting police officers and other law enforcement agents from interfering with the work of journalists in the name of implementing the national lockdown. It took the court application of MISA to stop the police and uniformed forces’ from violating constitutionally guaranteed media freedoms. Unfortunately, even after the court judgment, the harassment of media personnel continued unabated.

### Reburial of Zimbabwean freedom fighters

According to an article published by the Herald newspaper on 29 May 2020, the Ministry of Home Affairs and Cultural Heritage has formulated a Liberation War Mass Graves and Human Remains Management Policy to help address some of the challenges being faced in maintaining some of the shrines both at home and in neighboring countries. It was reported on 28 May 2020, that there was a reburial of the remains of 300 people who were





killed during the liberation war at Matumba Six Shrine near Old Mutare. Speaking at the reburial, Deputy Home Affairs and Cultural Heritage Minister Mike Madiro said that the reburial would not be the last one. Exhumations and reburials are a critical element of transitional justice and should be done in a manner that ensures and promotes honesty and transparency about what happened to the dead, who they were and who the perpetrators are or were. The policy referred to by the Ministry of Home Affairs does not appear to be the product of a consultative process and seems to have been clandestinely developed during a global pandemic that has necessitated the implementation of a national lockdown. The NTJWG is therefore calling for the halting of this process until such a time when it can be done in a manner that is stakeholder inclusive.

### Transitional Justice News from the Globe

**16 May: Rwandan genocide funder arrested near Paris, France**  
Félicien Kabuga, who used 28 aliases and relied on powerful connections in both Africa and Europe to evade justice, was arrested near Paris, France after evading international police for

almost 26 years. The French public prosecutor's office and the police said Mr Kabuga had been living under a false identity in a flat with the complicity of his children. The International Criminal Tribunal for Rwanda has charged the 84-year-old with genocide and crimes against humanity. He is alleged to have been the main financier of the ethnic Hutu extremists who slaughtered 800,000 people in 1994. The lesson learnt here is that the arrest of Félicien Kabuga serves as a stark reminder that those responsible for genocide can be brought to account, even 26 years after their crimes.

### 25 May: George Floyd's death sparks protests and a conversation around the legacy of racism

On May 25, 2020, George Floyd, a 46-year-old black American man, was killed in Minneapolis, Minnesota, during an arrest for allegedly using a counterfeit bill. Protesters are taking to the streets across the United States of America (USA), demanding justice for the murder of the black man, by Derek Chauvin, a white police officer who knelt on Floyd's neck for nearly eight minutes while Floyd was handcuffed and lying face down. During the riots and peaceful

protests that followed the killing of George Floyd in May 2020, a number of monuments and memorials were destroyed or removed, or commitments to remove them were announced. Protesters noted that the monuments stood as symbols of oppression that celebrated the exploits of slave traders, colonialists, leaders of racist movements and other such ideas. Most of the monuments in question were in the USA, but others were in the United Kingdom, Belgium, New Zealand, India and South Africa.

### 23 June: Lebanon Forms a Commission for Missing and Forcibly Disappeared Persons

Almost a year and a half after passing Law 105 for the Missing and Forcibly Disappeared Persons in Lebanon, the government has finally appointed the members of the National Commission for the Missing and Forcibly Disappeared. The appointment of the Commissioners will be central to the effectiveness and credibility of the Commission, and their moral authority will be vital to its success.

## NPRC Activities April – June 2020

**2 April:** Soon after the implementation of the national 21 day lockdown, the NPRC set up a National Peace Monitoring Team to receive complaints arising from the enforcement of the lockdown.

**9 April:** The NPRC received and noted complaints of hiking of prices for mealie meal and urged the stakeholders involved to desist from this practice and ensure fair and equal distribution of the subsidised mealie meal.

**13 April:** The NPRC issued an alert related to the COVID 19 lockdown enforcement urging citizens to report all cases of partisan or unfair distribution of food.

**15 April:** The NPRC issued a COVID-19 lockdown midterm review statement wherein several issues such as the increased cases of gender-based violence, violence against media practitioners on the ground and urged the security sector to exercise restraint; the promise for the provision of safety nets by the government to the vulnerable populations in Zimbabwe; concerns of corruption; throughout the value chain supplying COVID 19supplies were highlighted.

**16 April:** The NPRC issued a report that following a complaint in connection with looting and hoarding of government subsidised mealie meal in Kuwadzana 5 on 15 April, the Commission engaged ZRP Propol Harare and the suspect was arrested and detained at ZRP Kuwadzana pending court appearance.



**18 April:** The NPRC issued a statement lamenting the fact that subsidised mealie-meal had become a source of conflict that needed to be diffused before it got out of hand during the lockdown period. In a follow up exercise, the NPRC engaged the Grain Millers Association of Zimbabwe and they agreed that there would be fair distribution of mealie meal and the subsidised retail price of \$70 would not be flouted.

**28 April:** NPRC Commissioner Charles Masunungure appeared on the ZBC TV explaining the investigative and complaints handling role of the NPRC.

**29 April:** The NPRC urged the public to continue lodging any complaints they had about the enforcement of the lockdown and also informed the public that they were collaborating with the Zimbabwe Anti-Corruption Commission, the Zimbabwe Republic Police, the Gender Commission relevant government departments, CSOs, Traditional leaders and churches during execution of their mandate.

**30 April:** The NPRC's Chairman, Retired Justice Nare addressed a high-powered meeting in Gwanda in Matabeleland South Province, on the non-politicisation of food aid, and called for transparency in the procurement and distribution of mealie meal to the intended beneficiaries.

**7 May:** The NPRC led by Commissioner Leslie Ncube went to CowdrayParksuburb in Bulawayo to interact with Ms. Ntombizodwa and Nokuthula Mpfu who were assaulted and badly injured by

police officers on 16 April because they had purportedly defied national lockdown orders. The NPRC committed to following up on this matter and ensuring that justice is served.

**18 May:** Commissioner Charles Masunungure appeared on ZTN Live in an interview about the NPRC Complaints handling and Investigations Thematic Committee and its mandate. He noted that Zimbabwe is a country that has experienced conflict for a considerable period of time and he urged members of the public to make individual complaints to the Commission so that they would investigate the cases.

**19 May:** Commissioner Patience Chiradza appeared on ZTN Live in an interview in which she discussed the NPRC's Conflict Prevention, Management Resolution and Transformation Thematic Committee and its mandate.

**25 May:** The Research and Knowledge Management Thematic Committee Chairperson Commissioner Choice Ngoro was on ZTN Live discussing the work of the Committee. Key among some of the issues discussed included the fact that the Thematic Committee has over time carried out research which traces the causes of conflict in pre-colonial, colonial and post-colonial Zimbabwe. She also noted that the NPRC is and will be reaching out to the citizenry through public and private hearings as well as its complaints handling mechanisms.

**28 May:** Commissioner Leslie Ncube appeared in an interview in which he discussed the Healing Reconciliation and Rehabilitation Thematic Committee and its mandate. The Commissioner discussed issues around the exhumations of remains of the Gukurahundi victims and noted that the NPRC and government were not going to rush the process because they wanted to ensure professionalism, humanness and avoid re-traumatisation of survivors.

**30 June:** Joseph Mashingaidze the General Manager of Conflict Prevention, Management Resolution and Transformation at the NPRC participated in a live radio show on the promotion of peaceful co-existence of Artisanal Mining Communities in Zimbabwe on Diamond FM.

### National Transitional Justice Working Group Activities

#### 18 April: A Call for Leadership Statement by the NTJWG

In response to the breakout of COVID-19 in Zimbabwe, the NTJWG issued a statement calling on the Government of Zimbabwe to ensure the provision of basic health care, economic justice and security for citizens facing the ravages of the COVID-19 pandemic. It was noted that it was not just a health crisis but a humanitarian and security disaster.

#### 26 June: 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 26 June 2020 and condemned the use of torture dating back as far 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.

#### 29 June: Presentation of the NPRC Briefing

On 29 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 and the NPRC's failure to publicise its 2018 and 2019 Annual Reports. 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. Amongst its efforts was the NPRC's endeavours 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.

#### Conclusion

The second quarter of 2020 was marred with human rights violations that only worsened the impact of the COVID-19 pandemic. The NTJWG calls upon the Government of Zimbabwe to ensure that the State and all State agents such as the police and soldiers respect, protect and promote human rights. Moreover, the NTJWG calls for investigations into all cases of human rights violations so as to curb the culture of impunity and ensure non-recurrence of violations. The NTJWG remains concerned with the high levels of corruption in Zimbabwe and urges the Government of Zimbabwe and the Anti-Corruption Commission to make sincere efforts to effectively deal with this issue that continues to cripple the economy and civil society as a whole.



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