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SUMMARY OF THE 10TH EDITION OF THE NPRC WATCH REPORT

Introduction

The National Transitional Justice Working Group (NTJWG) is pleased to issue a summary of the 10th Edition of the NPRC Watch Report. In this summary the NTJWG gives you a brief look at the issues discussed in the 10th Edition of the NPRC Watch Report. The issues highlighted in this summary range from a contextual analysis to transitional justice news from across the globe to NPRC and NTJWG activities and finally transitional justice issues in Zimbabwe that emerged from the first quarter of 2020.

This edition of the NPRC Watch Report comes at a time of deep distress for Zimbabwe and the rest of the world because of the outbreak of the COVID-19 pandemic. Zimbabwe at the end of the first quarter had 8 confirmed cases of COVID-19 infections and 1 reported death. In a country where public health institutions are ill equipped, this pandemic will test the Zimbabwean government's resolve to deal with crisis. In responding to the COVID-19 pandemic, President Mnangagwa ordered a 21-day lockdown to curb the spread of the disease. The NTJWG takes this opportunity to call on law enforcement officers to exercise restraint when enforcing the lockdown, observe the law and respect citizens' human rights. The NTJWG also calls upon the Government of Zimbabwe to be transparent in sharing information on the state of its preparedness to deal with the disease. While Zimbabwe and the world grapple with this pandemic the NTJWG takes note of the dire economic situation affecting Zimbabweans as a result of the drought from the past year as well as the desperate economic situation in the country. In this regard, the NTJWG hopes that the Government of Zimbabwe will endeavor to turn around Zimbabwe's economic fortunes and take an active role in fixing the broken parts of Zimbabwe's politics through open dialogue with all stakeholders, put an end to state corruption as well reform institutions such the security sector.

The NTJWG would like to pay tribute to Commissioner Netty Musanhu who reportedly resigned from the NPRC in February 2020. She was in charge of the Victim Support, Gender and Diversity thematic area and resource mobilisation at the NPRC and played an important role in promoting work on the gendered dimensions of violence and justice in the country and at the NPRC. The NTJWG wishes her the very best in her future endeavors.

A Call for Leadership in Response to COVID-19 in Zimbabwe: NTJWG Press Statement

On 18 April 2020 the NTJWG released a press statement calling for leadership to be shown by the Zimbabwean government in response to the COVID-19 pandemic in Zimbabwe. In the statement the NTJWG noted that this pandemic tests our national preparedness to deal with significant disasters but comes at a time when the health sector has been significantly weakened over the years due to mismanagement and under-resourcing among other causes. The NTJWG expressed its concern that medical practitioners had to resort to getting a court order to compel the government to equip public health institutions with the necessary equipment to deal with this pandemic and the requisite protective equipment for medical practitioners. The NTJWG also highlighted the need for the government to ensure adequate supply of safe, clean and portable water during this health crisis. In the statement the NTJWG also noted that there were verified reports of almost 170 arrests, 160 assaults, and

10 attacks on journalists and law enforcement officers were implicated in these violations of human rights which is a serious cause for concern. Finally the NTJWG called for responsible leadership which would respond to this pandemic in a transparent manner and ensures that perpetrators of human rights violations are held accountable and justice is served.

Contextual Analysis

This section of the report discusses several emerging issues that will influence the operating terrain for the NTJWG and the general populace on the delivery of transitional justice in Zimbabwe in 2020.

Zimbabwe Offers Land as Compensation for 800 Seized Farm

In March, the Government of Zimbabwe announced through Statutory Instrument 6 of 2020 (Land Commission (Gazetted Land) (Disposal in Lieu of Compensation) Regulations, 2020) that it would be launching a compensation exercise to sections

of farmers whose land was summarily expropriated during Zimbabwe's infamous land reform exercise during the early 2000s. Dispossessed farmers covered in the land compensation scheme are citizens of countries with bilateral investment agreements with Zimbabwe and Zimbabwean commercial farmers who lost their farms. The NTJWG notes that if such a process is to be carried out it must be done transparently in consultation with all stakeholders.

Democratic Constitution Amendments or consolidation of Presidential Power?

On 19 January 2020, the government gazetted the Constitution of Zimbabwe Amendment (No. 2) Bill, proposing to amend several provisions of the Constitution. The proposed amendments are wide reaching, touching on the independence of the judiciary, giving more powers to the President to appoint judges and adding more non-constituency MPs. The proposed amendments also propose to allow the President to appoint his own Vice Presidents. Further proposed amendments seek to cut on Parliamentary oversight over agreements entered into by the executive with foreign organizations and companies Parliament's This is a move that seeks to stifle accountability from Parliament and consequently from the people of Zimbabwe. If all these proposed amendments were to go through, they would undermine the principle of separation of powers, erode the independence of the judiciary and limit the oversight role of Parliament. A judiciary that is not independent would be detrimental to transitional justice processes in Zimbabwe that would require victims to approach the courts seeking justice for past human rights.

Unending and Fruitless Political Dialogue

President Mnangagwa has continued to engage the coterie of the losing 2018 presidential election candidates excluding the opposition leader, Nelson Chamisa and a few others in a process they call the Political Actors Dialogue (POLAD). The main bone of contention between the two main parties in Zimbabwe being ZANU-PF and the MDC Alliance led by Nelson Chamisa is the refusal by the latter to recognize President Mnangagwa as the duly elected leader of Zimbabwe from the 2018 elections. Simultaneously, the ZANU-PF refuses to engage with the MDC Alliance because it does not recognize President Mnangagwa as the duly elected leader of Zimbabwe. The representativeness of this body remains in question as most of the leaders sitting in the POLAD body failed to garner any meaningful support in the 2018 elections and some are not even represented in Parliament or Senate. There has been noticeable conflation of the independent constitutional body that is the NPRC's activities with the political activities being undertaken under POLAD. The Chairperson of the NPRC, Retired Justice Sello Nare was appointed and serves in the POLAD as a co-convenor. The POLAD process has been castigated by several bodies as being partisan. For the POLAD process to show that it is inclusive it must address the broader interests of the nation and all stakeholders.

The Rising "Mashurugwi" Phenomenon in Zimbabwe

By the end of 2019, Zimbabwe was witness to horrendous levels of violence perpetrated by gangs of men known as "Mashurugwi". Several citizens involved in illegal gold mining have been killed in cold blood by gangs known as "mabhudhi" meaning the big brothers and predecessors of the Mashurugwi

gangs. Even police officers have been killed and attacked by these gangs who prey on those who would have dug for gold ore in the mining shafts underground and then pounce on them when they get out. The government's response has been to violently descend on the mining areas arresting anyone and everyone found in the vicinities in acts reminiscent of the violence that was perpetrated on the Chiadzwa diamond fields in Manicaland in 2008. The NTJWG calls on the government to address this issue that continues to plague our country and ensure that perpetrators are held accountable and also put in place rehabilitation programs to cater for the survivors who are mostly children and widows of the deceased.

Shrinking and Constricted Democratic Space in Zimbabwe

Zimbabwe civil society groups and leaders continued to suffer from unlawful arrests, violence and long periods of being placed on remand without trials on trumped up treason charges in a bid to stifle dissent and to suppress open discussions on democracy, transitional justice and other national important matters. Heal Zimbabwe Trust Director, Mr. Rashid Mahiya remains on remand a year later after being charged with plotting to overthrow President Emerson Mnangagwa's government as defined in section 22 of the Criminal Law (Codification and Reform) Act, in 2019. Such draconian use of legal process makes it difficult for civil society to engage positively and in good faith.

Transitional Justice News from Across the Globe

The United Nations Security Council Discusses Transitional Justice

On 13 February, the United Nations Security Council (UNSC) held its first open debate focusing solely on transitional justice with the aim of providing an opportunity for states to reflect on national transitional justice processes, to exchange best practices and lessons learned, and to examine the support of the Security Council and UN Peacekeeping operations. The NTJWG welcomes the United Nations Security Council's increased interest in transitional justice globally as this gives the plight of human rights violations importance and limelight which is critical in achieving justice for them, and their families.

Safeguarding the Ethos of Truth-telling and Truth-seeking in Zimbabwe: NTJWG Press Statement

On 24 March 2020 the NTJWG published a press statement in commemoration of the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims. Annual observance of this day internationally pays tribute to the memory of Archbishop Monsignor Óscar Arnulfo Romero, who was murdered on 24 March 1980 for his role in denouncing human rights violations perpetrated on the most vulnerable people in El Salvador. The statement highlighted that truth-telling and truth-seeking are two necessary steps needed for justice and accountability to be achieved. The NTJWG then reiterated the need for the truth to be told regarding past epochs of violence during which human rights violations were perpetrated. Further the NTJWG emphasized the need for the truth to be told about the disappearance of Itai Dzamara who was abducted five years ago on 9 March 2015 in Harare and others like him whose fate remains unknown. The statement also noted that this year's commemoration of the International Day of Truth coincides with the ongoing attempts by the government to conduct in Matabeleland and called for this process to be done in a

a manner that promotes truth seeking and truth telling regarding the Gukurahundi violence. The NTJWG concluded its statement by calling on the NPRC to expedite truth-telling and truth-seeking processes in terms of its mandate under section 252 of the Constitution.

Burundi Truth and Reconciliation Discovers more than 6 000 in Mass Graves

The Burundi Truth and Reconciliation Commission was set up in 2014 to investigate atrocities from 1885 to 2008 when a peace deal to end the civil war was fully implemented. Its mandate does not cover most of the rule of the current president, Pierre Nkurunziza, who took office in 2005. The Commission found more than 6,000 bodies in six mass graves in Karusi Province in January. While the Commission is making strides in dealing with the past in Burundi, the country is currently faced with human rights violations reportedly perpetrated by the state which means violations continue to recur which does not bode well for the effectiveness of transitional justice processes currently being implemented.

Taiwan Transitional Justice Commission sets up an Online Database for Atrocities

On 25 February 2020 Taiwan's Transitional Justice Commission (TJC) launched a searchable online database of curated court files of nearly 10,000 victims of political persecution during the country's martial law period (1949-1987), also known as the White Terror era. This database will be helpful in answering questions about who the victims and perpetrators and were why the violations happened. The NTJWG is currently working on an ambitious project to map the survivors of state-sponsored violence in Zimbabwe which will answer similar questions.

PROGRESS UPDATE

NPRC Activities

20 January: A 3-day NPRC Strategic Review & Planning Workshop for 2020 was held in Kadoma.

24 January: The NPRC had a community engagement in collaboration with the Better Life Foundation in Chikwira Village in Uzumba District, Murehwa to promote peace and reconciliation for inclusive development and empowerment.

30 January: The NPRC took part in a discussion held at the SAPES Trust in a discussion themed "*The machete militias: Origins, responses and implications*" which aimed at finding solutions to the menacing problem of gang violence in Zimbabwe's artisanal mining sector.

18 February to 23 March: The NPRC convened three day capacity building trainings for the Provincial Peace Committee of Manicaland, Harare, Mashonaland East, Bulawayo, Matabeleland North and Masvingo.

22 February: The NPRC website got a facelift to make it more user friendly and easier to navigate. To access it visit <https://www.nprc.org.zw>.

2 March: The NPRC through its Victim Support, Gender and Diversity Thematic Committee facilitated a Counseling Course with Connect to build the capacity of the Commission to handle victims and people who access the Commission for various reasons.

5 March: The NPRC's Commissioner Patience Chiradza participated in a citizen engagement dialogue in Mutare aimed at promoting human security whilst respecting rights, duties and responsibilities of citizens.

30 March: The NPRC issued a press statement on the COVID-19 pandemic calling on the state security authorities to "exercise restraint and act within the confines of the law in the discharge of their duties" while enforcing the lockdown. The statement also called for Zimbabweans to observe the call to stay at home to avoid spreading the disease further.

NTJWG Activities

Policy Dialogue and Post-Dialogue Breakfast Meeting

On 6 February 2020, the NTJWG convened a policy dialogue on reparations and rehabilitation at Holiday Inn in Harare. The purpose of the dialogue was to create a platform for stakeholders to make recommendations and adopt steps towards the adoption of a model reparations and rehabilitation policy for Zimbabwe. Following the policy dialogue, the NTJWG hosted a post-dialogue breakfast meeting for policy makers on 7 February 2020 at the Holiday Inn in Harare and the need to develop a model law on reparations and rehabilitation that will guide the process after the realization that the implementation of a reparations and rehabilitation program in Zimbabwe was discussed. The NTJWG is hopeful that this meeting will lead to collaboration among the key stakeholders themselves and with the NTJWG to further the transitional justice agenda, particularly concerning reparations and rehabilitation.

Radio Program on Reparations and Rehabilitation

On 7 February, the NTJWG hosted a radio program in Harare on Capitalk FM following the policy dialogue on reparations and rehabilitation. The program sensitized the public on critical reparations and rehabilitation issues for survivors of past atrocities.

Community Dialogues

In the first quarter of 2020 the NTJWG carried out four community dialogues at ward level in Zaka, Manama, Chinhoyi and Nyanga. The dialogues were attended by a total of 169 survivors. Cross-cutting issues emerging throughout the dialogues were the yearning by survivors for apologies from perpetrators, compensation of victims, the lack of visibility of the NPRC at community levels, the need for clarity on when the ten year term of the NPRC will end so that it completes its work and achieves its mandate, reparations, and the call for the inclusion of perpetrators in the community dialogues.

Emerging Transitional Justice Issues

The Search for Journalist Itai Dzamara continues 5 Years Later

Five years after the abduction of Itai Peace Kudakwashe Dzamara, civil society organisations such as the Zimbabwe Human Rights NGO Forum, Zimbabwe Divine Destiny, Zimbabwe Lawyers for Human Rights and Zimbabwe Peace Project organized an event to remember him. After the commemoration a petition was submitted to the President's office calling on the President to uphold the Constitution and ensure that Itai is returned to his family, his abduction is investigated and that the perpetrators are held accountable.

The Zimbabwe Human Rights NGO Forum also released a press statement in which it noted the government needs to do more in terms of investigations and shed light on the whereabouts of Itai Dzamara. On 9 March 2020, Ita Dzamara's wife, Sheffra peitioned President Emmerson Mnangagwa over the abduction and disappearance of her husband on 9 March 2015.

President Mnangagwa insists that Gukurahundi reburials will take place

As the controversial issue of the proposal to rebury the remains of victims of the Gukurahundi rages on, President Emmerson Mnangagwa is expected to convene a “*consensus- building meeting*” with Matabeleland traditional leaders in Mid-2020 to co-ordinate and fast-track exhumations and reburials of victims of post-independence civil disturbances of the Gukurahundi. Exhumations of remains of victims of past conflict and violence may be used as a way of giving closure to the families of the deceased and enabling them to rebury the remains of their loved ones. Exhumations may also lay the foundation for ensuring accountability and attaining justice, processes that are pivotal to national healing and reconciliation. The NTJWG urges the executive to support the NPRC but this process must be led by the NPRC as the exhumation process falls within the NPRC's mandate.

Legal Cases against State Violence

Recently, Justice Chinamhora presiding in the High Court in Harare ordered the Minister of Home Affairs and Cultural Heritage, Kazembe Kazembe to pay ZWL\$17 000 to Sydney Chisi for the assault committed by the ZRP on 17 April 2015. Evidence provided by Zimbabwe Lawyers for Human Rights at the time showed that Sydney Chisi who was Director of the Youth for Democracy Initiative in Zimbabwe was bashed by 20 police officers indiscriminately with baton sticks at the corner of First Street and Jason Moyo Avenue in Harare for participating in an anti-xenophobia demonstration at the South African Embassy. The NTJWG calls on the government to comply with this order by the courts to compensate Mr. Chisi before the sum stipulated in the order is devalued by inflation.

Remembering 11 March 2007

On 11 March 2007 civil society and opposition parties convened in the high-density suburb of Highfield in Harare under the banner “*No Elections without a Democratic Constitution*”. As the procession marched through the streets

of Highfield, scores of people were beaten by the police, unlawfully arrested and detained at Highfield's Machipisa Police Station where they were further tortured. Unfortunately, on the same day, one citizen, Gift Tandare was shot at close range by the police and died on the spot. The government assaulted mourners who gathered at the deceased's home in the Harare suburb of Glen View, and denied his family permission to bury the deceased at the Harare Granville Cemetery and in the end, he had to be taken to his rural home for burial. Edward Chikombo, a journalist who sent images of the beatings to foreign media, was abducted and murdered a few days later. There has been no accountability for these human rights violations and the NTJWG calls upon the Government of Zimbabwe to carry out thorough investigations and bring to book the perpetrators.

NTJWG stands in solidarity with Last Maengahama and Tungamirai Madzokere

On the 29th of May 2011, a policeman, Inspector Petros Mutedza reportedly died after he tried to flee from a group of protestors who were demonstrating in Harare's Glen View high density suburb. A group of 29 opposition MDC supporters were arrested for allegedly stoning the police officer to death but ultimately only three namely Last Maengahama, Yvonne Musarurwa and Tungamirai Madzokere bore the brunt and were convicted of murder with actual intent by Justice Chinembiri Bhunu in the High Court in Harare. Yvonne Musarurwa was released on a Presidential pardon in March 2018, the other pair remains at Chikurubi Maximum Security Prison. This year, the duo appealed the judgment at the Supreme Court and their case was heard on 3 March 2020 and judgment was reserved.

Conclusion

It is clear that the first quarter of 2020 was a difficult time for the world as a whole and Zimbabwe as a nation. However if the challenges discussed in this edition are resolved peacefully there is hope that the rest of the year will be bring more peace, unity and prosperity to our nation. The NTJWG looks forward to working closely with transitional justice actors in Zimbabwe in civil society, government and independent commissions to further the transitional justice agenda. As always we encourage you to access the 10th Edition of the NPRC Watch Report for more information by visiting <https://www.ntjwg.org.zw> and feel free to write to us on info@ntjwg.org.zw.



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