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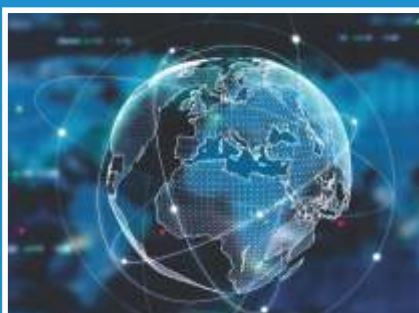
EDITION 10 | JANUARY - MARCH 2020

## A CALL FOR LEADERSHIP IN RESPONSE TO COVID-19 IN ZIMBABWE

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A COMMEMORATION  
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EMERGING TRANSITIONAL  
JUSTICE ISSUES



**NATIONAL  
TRANSITIONAL JUSTICE  
WORKING GROUP  
ZIMBABWE**

# NPRCWATCH

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**EDITION 10: JANUARY – MARCH 2020**

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Welcome to the 10th Edition of the NPRC Watch Report presented to you in the first quarter of 2020. This edition covers transitional justice, peace and reconciliation issues that have occurred in Zimbabwe and a few selected countries whose experiences resonate with ours in Zimbabwe.

Unfortunately, this edition comes at a time of deep distress for Zimbabwe and the rest of the world because of the outbreak of the COVID-19 pandemic. The World Health Organization (WHO) reported on 31 March 2020 that there had been 33, 257 deaths out of 697, 243 confirmed cases in 202 countries worldwide. Zimbabwe at the time of reporting had 8 confirmed cases and 1 reported death. In a country where health systems are weak and not well equipped, this disease 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 which will see Zimbabweans' movements restricted in an effort to curb the spread of the disease. The National Transitional Justice Working Group (NTJWG) takes this opportunity to call on the State and its security services to exercise restraint when executing the lockdown, observe the law and respect citizens' human rights. On the medical side, the NTJWG hopes that the Government of Zimbabwe will be transparent in sharing information on the state of its preparedness to deal with the disease as well as giving citizens information on the state of affairs with regards how the disease will affect citizens. There has never been any greater need for the Government of Zimbabwe to show leadership and save the lives of its citizens. A lot

more will be expected from the state going forward.

The NTJWG would like to pay tribute to Commissioner Netty Musanhu who reportedly resigned from the NPRC in February 2020. Commissioner Netty Musanhu had been in charge of the Victim Support, Gender and Diversity thematic area and resource mobilisation at the NPRC. The Commissioner 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.

In terms of transitional justice matters, 2019 was a year that was inundated with a hive of activities, some controversial and some positive towards the attainment of justice for past victims of human rights violations. One of the most controversial issues affecting transitional justice in Zimbabwe was on the court case challenging the Government of Zimbabwe to ensure that the National Peace and Reconciliation Commission (NPRC) would be operational until 2028. The order sought by the applicant in that case, Concilia Chinanzvavana was granted by the High Court. However, the Government of Zimbabwe appealed the ruling before the Supreme Court, and the case remains pending. The turbulence that has rocked issues surrounding the NPRC's composition, tenure and



funding since it was appointed in 2018 continues. The NTJWG hopes that this will end so that the institution can focus on its work.

Still focusing on the NPRC, the institution in May 2019 embarked on a devolution process which would see it setting up Provincial Peace Committees. These were set up and by the end of the 2019 had started convening meetings across the country. Criticism was made against the composition and inclusion of securocrats in the Committees. This concern was passed on to the NPRC by the NTJWG and other stakeholders but by the end of the year nothing had been done to redress such concerns. Operationally, the NPRC continues to face funding challenges which reportedly were stifling its work. In 2019, the NPRC was also viewed in negative light for its failure to comply with a statutory obligation to provide the Parliament of Zimbabwe with annual reports of its activities and expenditures as well as reports on issues relating to national peace and reconciliation. The reports never saw the light of the day. The NTJWG remains concerned about this failure to respect Zimbabwe's laws by the NPRC.

Furthermore, controversy continued to dog the institution as its Chairperson Retired Justice Sello Nare was appointed as the co-convenor of the Political Dialogue Forum (POLAD) which is composed of the President of Zimbabwe and a coterie of some of the losing presidential election candidates from Zimbabwe's 2018 presidential elections. This platform excludes Advocate Nelson Chamisa, the presidential candidate from one of the biggest parties in Zimbabwe, the MDC Alliance who declined to be part of the platform from its inception.

Concerns continue as to how the Chairperson of the NPRC intends to show his neutrality when he is deeply involved with the politicians in such an exercise. For starters, the NTJWG notes that the NPRC had initiated its own dialogue process with political parties in Zimbabwe. However, this was abruptly abandoned when President Mnangagwa established the POLAD. The NTJWG believes that the NPRC is an independent constitutional body that cannot be given directives and play to the whims of the ruling party in the country when other important stakeholders such as the major opposition political party, some religious bodies and civil society actors continue to dispute the authenticity and sincerity of the POLAD process.

Several other controversial issues remain of concern. The issue of exhumations of the remains of the victims of the *Gukurahundi*<sup>1</sup> came up again in the first quarter of 2020. President Mnangagwa reportedly approved the exhumation and reburial of the remains of some victims of the *Gukurahundi* massacres. Judging by the reports in the state-controlled Herald newspaper it would seem the Government of Zimbabwe is determined to see this process through amidst protests from the local affected people and other stakeholders. The NTJWG condemns such a policy and believes that the Government should put in place a more comprehensive consultative and open policy that seeks to bring out the truth, honors the dead and respects the survivors. This would ensure that justice and the truth is delivered to Zimbabweans affected by *Gukurahundi*.

The NTJWG takes note of the dire economic situation affecting Zimbabweans as a result of the

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1. This was a series of massacres of Ndebele speaking civilians by the Zimbabwe National Army from 1983 to 1987. The term is derived from the Shona language and loosely translates to "the early rain which washes away the chaff before the spring rains"

drought from the past year as well as the desperate economic situation in the country. Such conditions do not augur well for a free discussion of issues as well as an honest environment to deal with issues of the past. 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 as ensuring that the security services which form the military, police and the intelligence services desist from unlawful arrests of human rights defenders and civic activists. The NTJWG hopes that in 2020 there will be an end to the pervasive violence that has rocked Zimbabwe in the mining areas of the Midlands, Manicaland and some parts of Mashonaland. The NTJWG hopes that the COVID-19 crisis will be resolved soon and that a cure will be found soon so that no more lives are lost. The NTJWG wishes all Zimbabweans a peaceful 2020 and a successful resolution of the challenges discussed in this edition.

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*The NTJWG remains  
concerned about the failure  
to respect Zimbabwe's  
laws by the NPRC*





18 APRIL 2020



## A Call for Leadership in Response to COVID-19 in Zimbabwe

As with other members of the family of nations, Zimbabwe finds itself having to respond to a global threat that knows no discrimination. As the COVID-19 virus evolves, so too will the responses of nations. Given the novelty of the virus, and the minimal scientific understanding of the threat, it seems logical for Zimbabwe to have entered a lockdown to curtail transmissions, as science and medicine grapple with solutions.

But for Zimbabwe, this comes within the context of protracted economic and political instability. Calls for reforms in the health and security sectors, among others, have long been echoed. Today, we come face to face with the consequences of a socio-economic and rule of law infrastructure that does not conduce to the best possible response to a disaster of COVID-19 proportions. The state of unpreparedness ravages our people in multi-faceted ways. The virus that threatens to infect thousands if not millions, faces a disarmed healthcare system. Socio-economic deterioration exposes many to the risk of infection and subdued capacity for survival in the wake of COVID-19 responses that include lockdowns, and the risk of encountering brutal security enforcement is all too real if one leaves home confinement in search for survival.

### The Right to Health

COVID-19 tests our national preparedness to deal with significant disasters in an extraordinary way. Yet the test comes at a time when our health system finds itself in man-made crisis. For the past years, the crisis of mismanagement, under-resourcing and brain drain in the public health sector has been exacerbated by the industrial action of medical professionals fighting for a review of their conditions of service and the state of public health facilities that most of our people rely upon.

The Government of Zimbabwe's consistent response has been to dismiss these realities, rightly raised by the health professionals, and instead threatening disciplinary action and dismissals. The disaster that faces us dictates that government commits resources to fight the pandemic and take leadership. Government does not have to wait for court orders or external pressure for basic measures to be rolled out, as the High Court had to order in the case of Zimbabwe Association of Doctors for Human Rights v Minister of Health & Others.





*Health workers screen people visiting a public hospital in Harare, Zimbabwe, March 21, 2020. 2020 AP Photo/Tsvangirayi Mukwazhi*

While Zimbabwe may benefit from external philanthropic gestures, government funding ought to sustain the national response.

### **Socio-economic Security**

The Committee on Economic, Social and Cultural Rights (CESR) aptly observes in General Comment No. 14 that the right to health is closely linked to and dependent upon the realisation of other human rights, including the right to water, food, housing and work. For a country where life and survival for the majority depends on the informal economy, confinement to the home and cessation of economic activity is a matter of life and death. Government's foremost duty to its subjects is the preservation of life. Within our capacities as a nation, government should see to it that people are catered for in their survival needs.

The NTJWG welcomes the courts' judgments ordering various local governments and central government to ensure provision of constant supply of water. Without water, hygiene is impossible, and so is life itself. The NTJWG points out that it needs not wait for courts for government to do the responsible and ensure the provision of basics.

### **Security Enforcement of Measures**

To date, human rights groups have recorded worrying figures of human rights violations, with the Zimbabwe Human Rights NGO Forum having verified and reported almost 170 arrests, 160 assaults, and 10 attacks on journalists. The government reports that arrests have reached the thousands. Since the dark days of Gukurahundi, the police and the army have been implicated in gross human rights violations. The NTJWG has observed remnants of this culture of impunity permeating the lockdown enforcement. State security forces continue to derogate from the freedom from torture and cruel, inhumane and degrading treatment or punishment, and the rights to human dignity and personal security.

No doubt, states of disaster are extraordinary times calling for suspension of certain freedoms for the public good. Nonetheless, our Constitution, in letter and spirit contemplates such situations, and calls for a fine balance such that basic rights, including human dignity, are not infringed. Thus government and its agents remain bound to be Constitution-compliant in enforcing the lockdown and other COVID19 response measures. No person should have to fear for their life and security at the hands of State security, and



journalists should carry out their lawful duties to capture and disseminate information, in pursuit of truth and truth-telling, free from unjustified interference. Access to information is a critical need in this crisis.

The unceasing calls for legal and security sector reform, and for implementation of the Constitution, are all the more urgent in this crisis. For example, the need to act on section 210 to create an independent complaints mechanism is evident, as this will allow the public to report security sector human rights violations and get redress. The call is amplified for government to provide leadership as is expected of it by its subjects.

### **A Call for Leadership**

We are hard-pressed as a nation to ensure that our response to this dreadful pandemic, does not create an opportunity for further atrocities added to our catalogue of dark episodes in our past. Our national response to the pandemic must inspire hope.

For all intents and purposes, COVID-19, and how we respond to it, is not only a pressing health and humanitarian issue; it also is a human rights and a transitional justice issue, and the response should be accordingly attuned. Human rights should be at the centre of any public health measures, strategies and interventions. Institutions of government must uphold human rights and the rule of law, and not take occasion to subvert due process and constitutional standards. The NTJWG acknowledges to this end, the statement issued by the National Peace and Reconciliation Commission, raising similar concerns and encouraging a human rights-oriented approach in the national response.

Responsible leadership at this juncture, calls for depoliticising response action. The principles of good governance as captured in section 3(2) of our Constitution embody the kind of leadership required at this defining time. It is imperative for government to be candid about infections, both in the statistics it releases and the information of how cases are being managed. It is not the time to put up appearances and engage in politicking at the expense of health and lives.

The pandemic threatens lives. As such, government and its institutions and functionaries are reminded that government's foremost charge is protect the lives of its subject, and wilful and negligent failure to do so will no doubt meet with the people's demand for accountability, now and in the future.

As the nation demands accountability and leadership, we encourage citizens to be responsible and to exercise self-leadership to protect ourselves, our families and communities. Citizens need to follow the WHO guidelines and other international best practices to avoid, combat and prevent the spread of COVID-19. This is through maintaining physical distance, observing the best possible personal hygiene, and sharing responsible and accurate messaging.

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# CONTEXTUAL ANALYSIS

- Zimbabwe Offers Land as Compensation for 800 Seized Farms.
- Democratic Constitution Amendments or Consolidation of ZANU-PF Power?
- Unending and Fruitless Political Dialogue.
- The Rising “Mashurugwi” Phenomenon in Zimbabwe.
- Sanctions on Zimbabwe Government Officials.
- Shrinking and Constricted Democratic Space in Zimbabwe.

# CONTEXTUAL ANALYSIS

This section 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's economic, political and social situations remain in a dire situation. High levels of unemployment, grand local and central government corruption are cases in point. In its 2019 country brief the United Nations World Food Program declared that in 2020 up to seven million Zimbabweans (almost half of the population in rural and urban areas) will need food aid due to drought and the failing economy. Coupled with the high inflation, shortages of basic goods such as the staple mealie meal and high prices of other basic goods, the situation could get worse than what it is now.

## **Zimbabwe Offers Land as Compensation for 800 Seized Farms**

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 white people whose land was summarily expropriated during Zimbabwe's infamous land reform exercise during the 2000s. Dispossessed farmers covered in the land compensation scheme are citizens of countries with bilateral investment agreements with Zimbabwe, as well as black Zimbabwean commercial farmers who lost their farms. The countries include former colonial ruler Britain, South Africa, Germany, Denmark, the Netherlands and Switzerland, all of which had significant numbers of farmers in Zimbabwe.

Under former President Robert Mugabe, Zimbabwe took over some 5,000 farms, mostly from white farmers, affirming that the policy was meant to address colonial imbalances but the land seizures triggered economic collapse. The Zimbabwe government set aside US\$17.5 million in its 2019 budget and a further 380 million Zimbabwe dollars (US\$21 million) for the compensation of former landowners in 2020.



The former farmers are said to be demanding nearly US\$7 billion in compensation.

The decision by the Government of Zimbabwe to come up with such a policy which has been touted since President Mnangagwa was elected to power in 2018, is vexing and needs further scrutiny. Questions have been asked before and now on the source of funds that are being used to compensate the farmers as well as set up such structures.



The NTJWG is not opposed to the land reform exercise but would want to see the policy implemented transparently and with adequate consultations of Zimbabweans who are taxpayers and whose money is being used to facilitate such processes. The NTJWG notes that if the process is as much as transparent as the Government would like people to believe then it must involve all stakeholders.

## **Democratic Constitution Amendments or Consolidation of ZANU-PF Power?**

2020 has begun on another negative note with the Zimbabwe government proposing new amendments to the 2013 Zimbabwe Constitution. 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. This would be contrary to the provisions of the Constitution in its current state that provides for Vice Presidents be elected through universal suffrage subject to a transitional clause that will only bring this provision into operation 2023. 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. The proposed amendments also seek to de-link the election boundaries and delimitation processes with the official national census.

The NTJWG is convinced that there can be no reasonable and plausible explanation as to why the two processes should not be linked if fair representation is to be achieved in a democratic country.

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. The existence of an independent judiciary is pivotal to the attainment of justice for victims of past human rights violation which have in some instances been state sponsored. Of similar importance is the existence of a Parliament that has extensive oversight over the executive as such oversight will go a long way in ensuring accountability and institutional reform essential to transitional justice. It is therefore clear that the proposed amendments to the Constitution would adversely affect the transitional justice processes and journey that the country has been following for the last few years. Citizens need not be reminded that the same Government is currently fighting in court to have an interpretation of the constitutional provision relating to the lifespan of the NPRC which will bring that lifespan to an end in 2023 as opposed to 2028. There can be no doubt that the proposed amendments would amount to an assault on Zimbabwe's democracy as they undermine the principle of separation of powers and independence of the judiciary. 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.

On 18 March, both speakers of the National Assembly and the Senate announced that legislative business had been suspended initially for seven weeks to prevent the spread of the

disease. This means that the plans which had been made for public consultations on the constitutional amendments will be shelved until such a time when public gatherings are permissible again.

## Unending and Fruitless Political Dialogue

The Government of Zimbabwe led by President Mnangagwa has continued to “engage” the coterie of the losing 2018 presidential candidates excluding the opposition leader, Nelson Chamisa in a process they call the Political Actors Dialogue (POLAD) and a few others. POLAD was launched by President Mnangagwa in May 2019 to help bring all the contenders in 2018’s presidential election. The view posited for this invite by President Mnangagwa is that they supposedly represent Zimbabweans from all walks of life and their different political persuasions. The main bone of contention with 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 led government has also noted that it will not sit with the MDC Alliance led by Nelson Chamisa if they refuse to recognize President Mnangagwa as the duly elected leader. The MDC Alliance has also argued that the POLAD process is not transparent and is largely dominated by ZANU PF.

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 the two legislative houses. While there have not been any meaningful achievements from this process, what has been

noticeable is the 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 in a position named co convener. The NTJWG continues to be concerned about the involvement of the NPRC Chairperson in this body and maintains that for him and the NPRC to be seen to be neutral in Zimbabwe’s politics, he must recuse himself and go back to do the work he was mandated to do by the Constitution. The POLAD process has been castigated by several bodies and the MDC as being partisan. For the POLAD process to show that it is inclusive and seeks to cover the broader interests of the nation and all stakeholders, such issues as the role of the NPRC Chairperson must be revisited.

## 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”.<sup>2</sup> Several citizens involved in illegal gold mining have been killed in cold blood by gangs known as “mabhudhi” meaning the bigger 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 descend on the mining areas with so much violence, arresting anyone and everyone found in the vicinities of those said mines in Mazowe, the Midlands areas of Kwekwe, Gweru, Shurugwi etc. as well as in some parts of Manicaland in acts reminiscent of the violence that was perpetrated on the

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2. This is a moniker for a part of Zimbabwe’s Midlands area known as Shurugwi where the original gangs came from



Chiadzwa diamond fields in Manicaland in 2008.

To date, no comprehensive security, justice or rehabilitation plans have been put in place by the government to ensure that victims, perpetrators and survivors who are mostly children and widows of the deceased men have been attended to. The NTJWG continues to call on the Government of Zimbabwe to act against this hands-off approach to violence masked as emancipation of black miners. The criminality that has been witnessed thus far in the said areas is alarming.

The NTJWG is concerned that these same groups of men will transform themselves or will be co-opted into rings of political militias come election time. Now, some areas in Harare, and other major cities have started witnessing violence of unseen proportions with robberies in homes and on the highways by men wielding machetes and calling themselves Mashurugwi. This is unacceptable and must be stopped with immediate effect. Besides the obvious human rights violations, the NTJWG is also concerned by the land degradation that is caused by the digging of the earth to search for minerals. This haphazard mining policy will lead to land degradation and unless reclaimed the land could become unusable. This would in turn limit the ability of the inhabitants of those areas to engage in agriculture or more sustainable land use. A people whose land resources are depleted can easily become vulnerable to landslides and

enhanced poverty because they will not be able to grow their own food on the destroyed land. The government has the wherewithal to stop such incidents. Moreover, the Government of Zimbabwe needs to act against its most senior officials who have been accused of fanning such violence in those areas.

### Sanctions on Zimbabwe Government Officials

The United States Department of Treasury in March added two of Zimbabwe's senior politicians onto its sanctions list for reasons associated with their involvement in the bloody aftermath of Zimbabwe's general elections in July 2018. The two officials are the former commander of Zimbabwe's Presidential Guard, Anselem Sanyatwe and State Security Minister Owen Ncube. Sanyatwe was last year blocked from travelling to the US alongside his wife for his involvement in the deployment of soldiers who shot dead six civilians in central Harare on August 1, 2018. The NTJWG while not in a position to influence who gets on or off the list of sanctions imposed by the American government, believes that these actions are important to curb impunity for human rights violations in Zimbabwe. Those people who have been subjected to human rights violations by people who are also on the list of the United States or the European Union sanctions lists will welcome such measures as they wait for their own domestic judicial sanctions to hold these perpetrators accountable are instituted.



## Shrinking and Constricted Democratic Space in Zimbabwe

Zimbabwe civil society groups and leaders continue to suffer from unlawful arrests, violence and long periods of being placed on remand without trials on trumped up treason charges. The strategy for the Government of Zimbabwe has been to keep civil society leaders busy with frivolous litigation, confiscating their passports as well placing them under very strict reporting rules. This seems to be all 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 he was in February 2019 charged with plotting to overthrow President Emerson Mnangagwa's government as defined in section 22 of the Criminal Law (Codification and Reform) Act. Previously, civil society leaders such as Sithabile Dewa, Evan Mawarire, Peter Mutasa and many others have been placed under such conditions. 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. The Belgian State organized this session under the peace building and sustaining peace agenda item. Its aim was to provide an opportunity 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 high turnout of member states was positively surprising, as more than 60 speakers signed up to present their official statements. Most of the interventions recognized a gender focus, requiring the meaningful inclusion and participation of women, as invaluable and necessary. It was also encouraging to observe that more countries now include the meaningful participation of youth as a key factor for successful transitional justice processes. Overall, a consensus emerged that there should not be a “one-size-fits-all” approach, that processes must be tailored to the context, and that local ownership is another vital element of success. 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. The opportunity to serve as a deterrent for would be perpetrators is also enhanced.



## Safeguarding the Ethos of Truth-telling and Truth-seeking in Zimbabwe

### Press Statement on the International Day for the Right to Truth concerning Gross Human Rights Violations and the Dignity of Victims, 2020

On 21 December 2010, the United Nations General Assembly proclaimed 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims. Internationally, this annual observance 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. On 24 March 2020, the National Transitional Justice Working Group (NTJWG) joined the world in commemorating this important day. The vision and mission of the NTJWG is to enable communities in Zimbabwe that have been torn apart by violence to recover and to empower individuals - victims, witnesses and perpetrators - to recount their experiences and agree on measures of justice to inform the future.

According to the United Nations, the right to truth is *“closely linked with other rights and has both an individual and a societal dimension and should be considered as a non-derogable right and not be subject to limitations”*.

Truth-telling and truth-seeking are two necessary steps needed for justice and accountability to be achieved, both preconditions for the restoration of the dignity of victims and survivors of human rights atrocities.

For a country that has faced continuous cycles of violence dating back to the pre-independence era, the dire need for truth-telling in Zimbabwe can never be overemphasized. Atrocities continue to this day, fuelled in part by a culture of impunity that is perpetuated by subduing truth-telling. This year's commemoration come at a time when the nation is demanding justice and accountability for the victims of the 1 August 2018 and the January 2019 state-perpetrated human rights violations in response to the public display of disgruntlement over legitimate concerns, and in the exercise by the people of their constitutional freedoms.

The commemorations also come at a time when the NTJWG pays tribute to the legacy of activists such as Itai Dzamara who was abducted five years ago on 9 March 2015 in Harare for speaking truth to power and urging the Government of



Zimbabwe to be accountable. The NTJWG, as with other compatriots who believe in the power of truth, continues to search for answers and demand justice and accountability for the abduction of Itai Dzamara and many who have been abducted before and after him. Many continue the search for their loved ones who went missing. To date, very few investigations have been conducted with limited repercussions for the perpetrators.

In Zimbabwe, there is need to entrench *“the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation”*, as the UN Secretary General has stated, and truth-telling occupies a central position in that endeavor. In this light, the NTJWG insists that victims and survivors of gross human rights violations must have full and non-discriminatory access to effective remedies and justice. Truth-telling and truth-seeking processes in Zimbabwe will ensure that the horrors of the past are not repeated, allowing both perpetrators and survivors to move into a future of justice and peace.

This year’s commemoration of the International Day of Truth coincides with the ongoing attempts by the government to conduct exhumations in Matabeleland, a sensitive subject for all Zimbabweans insofar as uncovering the truth on the Gukurahundi atrocities is concerned. Exhumations are an important component of truth-telling and truth-seeking. As such, the NTJWG maintains that uncovering the truth through exhumations call for an inclusive, participatory and thorough process that is guided by pre-determined and agreed upon standards that preserve the integrity of the process and the evidence, so that the need for closure is balanced

with the need to unearth what happened and ensure justice for purposes of true national healing for posterity, beyond individuals concerned.

The truth needs to be uncovered and confronted and dealt with for Zimbabwe to move forward and break the cycle of violence, and not be white-washed through wishing the atrocities away by saying *“let bygones be bygones”*. Bones must be given an opportunity to speak for themselves, and survivors and families of victims deserve the opportunity to claim justice, while perpetrators also need a platform to tell the truth as part of their own healing. Zimbabwe cannot move into the future without confronting its past.

To that end, the NTJWG calls on the National Peace and Reconciliation Commission (NPRC) to expedite truth-telling and truth-seeking processes in terms of its mandate under section 252 of the Constitution. Dialogue is essential and must be a central part of that process, cognisant that the pursuit of truth is not an event, but rather a process. The NTJWG reiterates the need for a national strategy on truth-telling and truth-seeking as paramount to the attainment of true transitional justice and a true break from the past in Zimbabwe, marked by sustainable peace and non-recurrence.

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***The NTJWG insists that victims and survivors of gross human rights violations must have full and non-discriminatory access to effective remedies and justice.***

## BURUNDI TRUTH AND RECONCILIATION DISCOVERS MORE THAN 6 000 IN MASS GRAVES

*The Burundi Truth and Reconciliation Commission is a government-run institution set in 2014 to investigate atrocities from 1885, when the Belgian colonisers arrived in Burundi, until 2008 when a stalled 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.*

So far the Burundi Truth and Reconciliation Commission has mapped over 4,000 mass graves across the country and identified more than 142,000 victims of violence. Burundi's Truth and Reconciliation Commission has found more than 6,000 bodies in six mass graves in Karusi Province, the largest finding since the government launched a nationwide excavation in January. The Commission chairman Pierre Claver Ndayicariye told journalists on 14 February 2020 that the remains of the victims, as well as thousands of bullets, were recovered. Clothes, glasses and rosaries were used to identify some of the victims. The remains are mostly of victims of a 1972 massacre which reportedly targeted the Hutu ethnic group, according to Ndayicariye. Burundi's population is divided between the Tutsi and Hutu ethnic groups. The civil war –which killed 300,000 people before it ended in 2005– had ethnic overtones.

While the Burundi Truth and Reconciliation 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. In July 2015 when Burundi President Nkurunziza ran for a third disputed term in office, hundreds of Burundians were killed in clashes with security forces that have not been investigated. As a result, justice has not been delivered to victims.



The dilemma of transitional justice processes not being able to deal with past and present concurrently is brought out in this instance. It is hoped that the Burundian government, while making strides in dealing with its past, will also work on current perpetrators of human rights violations accountable with the same zeal and effort.

The situation currently prevailing in Burundi presents a vital lesson for countries with a history of violence and human rights violations such as Zimbabwe. From the Burundi example it is clear that addressing past human rights violations must be complemented by reform in the present as guaranteeing non recurrence of violations is key in ensuring effective transitional justice processes.

## 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. The database also contains the names of the military officers involved in the court trials of the victims.*



According to the TJC, the database contains more than 1,000 photographs and the court records of roughly 9,800 people convicted on political charges during Taiwan's period of martial law (1949-1987), also known as the White Terror era.

The spokesperson of the TJC Yeh Hung-ling said that the database provided answers to the basic questions of:

- who the victims were;
- who were the perpetrators responsible for the atrocities and
- why the violations happened.

In practical terms, Yeh said, the data will give the public easier access to the court files, which previously could only be obtained by filing an application with the National Archives Administration (NAA).

The TJC carried out the important work of curating a large volume of thick court files and presenting the key facts of each case and the names of the persons involved, in a bid to clarify the historical record, she said.

The NTJWG is currently working on an ambitious project to map the survivors of state-sponsored violence in Zimbabwe. The mapping involves collecting data from those in the country and those in the diaspora. An electronic database of all the known victims will be established and it is hoped that this process will lead to a national process that will work with government institutions to establish a national database and archival system for all past human rights violations, victims, perpetrators and other relevant information pertaining to the cases.





# PROGRESS UPDATE

## **NPRC Activities**

- Commissioner Netty Musanhu leaves the NPRC.

## **NTJWG Activities**

- Policy Dialogues.
- Post-Dialogue Breakfast Meeting.
- Radio Program on Reparations and Rehabilitation.
- Community Dialogues.
- Annual Retreat for Strategic Reflection.
- First NTJWG Meeting for 2020

# PROGRESS UPDATE

## NPRC Activities

### 16 January 2020

On 16 January, the NewsDay newspaper reported that Switzerland which is known for its expertise in dealing with the past has taken steps to capacitate the NPRC. The NewsDay reported that on 15 January the Swiss Ambassador to Zimbabwe, Niculin Jager expressed his country's readiness to capacitate the government's peace and reconciliation initiatives. The Swiss Ambassador also handed over a motor vehicle, GPS equipment, and a video camera to the NPRC. The NTJWG hopes that this capacitation will go a long way in assisting the NPRC to carry out its activities in fulfillment of its constitutionally enshrined mandate.

### 20 January 2020

A 3-day NPRC Strategic Review & Planning Workshop for 2020 was held in Kadoma. The meeting which was officially opened by Chairperson Retired Justice Sello Nare ended on high note with the Commission indicating readiness to implement the 2020 Work Plan.



*NPRC Commissioners and Secretariat after NPRC Strategic Review & Planning Workshop for 2020*

### 24 January 2020

In its work of meeting with the people of Zimbabwe, the NPRC in collaboration with the Better Life Foundation joined the community of Chikwira Village in Uzumba District, Murehwa. The engagement sought to promote peace and reconciliation for inclusive development and empowerment. Participating members acknowledged that violence has been instigated by several factors which include political differences, family disputes, resource shortages, partisan distribution of aid, conflicts over gender roles and land disputes.

### 30 January 2020

The NPRC took part in a discussion held at the SAPES Trust in a discussion labelled “The machete militias: Origins, responses and implications”. Reverend Commissioner Charles Masunungure, a Commissioner of the NPRC represented the NPRC. This discussion was important in highlighting and seeking to find solutions to the menacing problem of gang violence in Zimbabwe's artisanal mining sector.

### 18 February 2020

The NPRC convened a Manicaland Provincial Peace Committee capacity building training in Mutare. The three-day training of the Provincial Peace Committee sought to equip members with skills on conflict analysis, approaches to conflict resolution, indigenous solutions to conflicts and peace education.



*Members of the Manicaland Provincial Peace during their training at Holiday Inn in Mutare.*

### 22 February 2020

The NPRC website got a facelift to make it more user friendly and easier to navigate. The website which went live after the facelift can be accessed by visiting [www.nprc.org.zw](http://www.nprc.org.zw). For feedback the NPRC asked members of the public to visit the new website and share their experiences with the institution. One important development is that the new website now allows those with complaints to formally lodge them via the ‘Contact Us’ link. The NTJWG congratulates the NPRC on its new website and asks that the website be kept up to date to make information on the NPRC’s activities easily accessible to all stakeholders.

### 24 February 2020

The Harare Metropolitan Provincial Peace Committee convened its 3-day training in Harare. Those attending noted that they were committed to building a comprehensive architecture for conflict prevention and resolution around Zimbabwe. The meeting in one of its discussions noted that major conflicts affecting Harare Metropolitan Province



can be summarized as below:

- a) Political conflicts
- b) Boundary disputes
- c) Polarization
- d) Resource conflicts
- e) Social and economic conflicts

### ➤ **26 February 2020**

The Mashonaland East Provincial Peace Committee held its 3-day training in Harare. In the meeting the Committee members expressed their willingness to learn, share and explore ways on how to promote peace in their province. One of the key issues they discussed was the characteristics of a peace builder. The members noted that a peace builder must be impartial, respectable, articulate, resilient, sincere, self-disciplined and empathetic.

### ➤ **2 March 2020**

The NPRC through its Victim Support, Gender and Diversity facilitated a Counseling Course with Connect. This was done to build the capacity of the Commission to handle victims and people who access the Commission for various reasons.

### ➤ **5 March 2020**

The NPRC's Commissioner Patience Chiradza participated in a citizen engagement dialogue meeting facilitated by the Zimbabwe Heads of Christian Denominations in Mutare, Manicaland Province. Traditional leaders, churches and other community leaders formed part of the dialogue program aimed at promoting human security whilst respecting rights, duties and responsibilities of citizens.

### ➤ **9 March 2020**

The Chairman of the NPRC, Retired Justice Sello Nare officially opened the Bulawayo Provincial Peace Committee training/meeting in Bulawayo. He emphasized that peace committee structures around the country shall be the focal point for all the Commission driven programs. ZANU PF, MDC Alliance, MDC-T, ZAPU, Mthwakazi Republic Party, Registrar General's Office, War Veterans, Churches, Civic Society, Media, Women, Youth, Business Community and Bulawayo City Council were all represented at the meeting.

### ➤ **18 March 2020**

The NPRC convened the Matabeleland North Provincial Peace Committee.



*Members of the Bulawayo PPC after their training in Bulawayo which was officially opened by the NPRC Chairperson retired Justice Sello Nare*

### 23 March 2020

The Masvingo Provincial Peace Committee conducted its three-day training in the Masvingo capital. Members emphasized the need to spread the work of the Commission outside the provincial capital to districts where most of the conflicts abound.

### 30 March 2020

The NPRC issued a press statement on the COVID-19 pandemic which necessitated the implementation of a national lockdown. In the statement the NPRC called on the state security authorities to “*exercise restraint and act within the confines of the law in the discharge of their duties*” among other issues. The statement also called for Zimbabweans to observe the call to stay at home to avoid spreading the disease further.

## Commissioner Netty Musanhu leaves the NPRC

On 21 February, the NPRC released a press statement noting that Commissioner Netty Musanhu who was in charge of the Victim Support, Gender and Diversity Thematic Committee and Resource Mobilization at the NPRC had resigned from the Commission. The NTJWG wishes Commissioner Netty Musanhu all the best in her next endeavor and is grateful for all the assistance and cooperation she gave to the people of Zimbabwe as well as the work of the NTJWG. The NTJWG calls on the NPRC and the President of Zimbabwe to ensure that the vacant position is filled in due course so that the work of the NPRC that falls under her docket continues.



*Former Commissioner  
Netty Musanhu*

# NTJWG Activities

## Policy Dialogues

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. This policy dialogue was co-facilitated by Ms Paula Gaviria, an international expert on reparations and rehabilitation and the former Director of the Special Administrative Unit for the Comprehensive Reparation of Victims in Colombia, and Dr Frances Lovemore, a local expert on reparations and rehabilitation and the Executive Director of the Counselling Services Unit. Ms Gaviria and Dr Lovemore were specifically selected because of their vast expertise in dealing with survivors of past human rights violations, particularly in respect of issues around reparations and rehabilitation.

Each of the two experts presented a research paper on their recommendations for a national reparations and rehabilitation policy framework for Zimbabwe before NTJWG stakeholders and members, Parliamentarians, Commissioners of the NPRC, government officials from the Attorney General's office and the Ministry of Justice, Legal and Parliamentary Affairs, the media, survivors of past human rights violations and members of the public. The policy dialogue provided a platform for informative discussions on reparations and rehabilitation among stakeholders in Zimbabwe and the NTJWG hopes that this policy dialogue sparked interest in reparations and rehabilitation in the public and will usher in greater discourse around this very important issue by the public which will be followed by more engagement with the policymakers and implementers in respect of issues to do with reparations and rehabilitation.



*Participants during the policy dialogue on Reparations and Rehabilitation on 6 February 2020 at Holiday Inn in Harare*



## Post-Dialogue Breakfast Meeting

Following the policy dialogue, the NTJWG hosted a post-dialogue breakfast meeting on 7 February 2020 at the Holiday Inn in Harare. The high - level meeting was attended by representatives from NPRC, the office of the Attorney General, the Ministry of Justice, Legal and Parliamentary Affairs and survivors of past human rights violations and the NTJWG members. All the key stakeholders that attended this meeting agreed that there is a 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 programme in Zimbabwe would be aided by a well-crafted and well-defined guiding policy. This meeting aimed at creating a platform for engagement among the key stakeholders who are critical to the development of any policies or laws relating to reparations and rehabilitation. 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 Capital 100.4-FM following the policy dialogue on reparations and rehabilitation. The program sensitized the public on critical reparations and rehabilitation issues by sparking conversations around individual, physical, emotional, economic and community-based compensation for survivors of past atrocities. The panelists were Ms Paula Gaviria, an expert on reparations and rehabilitation from Colombia, Dr Geoffrey Chada, NPRC Commissioner and Dr Frances Lovemore, the

NTJWG Thematic Leader on Reparations and Rehabilitation.



*(From right to left) Ms Paula Gaviria, NPRC Commissioner Dr Geoffrey Chada and Dr Lovemore in studio on the 7th of February 2020*

## Community Dialogues

In February, the NTJWG continued carrying out community dialogues at ward level. These dialogues are aimed at sensitizing communities on the mandate of the NPRC, with a view to drive informed engagement between communities and survivors and the NPRC. The community dialogues were carried out by survivors of past human rights violations that have been trained by the NTJWG and are based within the communities they train. The NTJWG carried out three community dialogues in February, the first in Chinhoyi on the 12th, the second in Nkayi on the 14th and the final one in Hwange on the 17th. These dialogues were attended by a total of 153 people.

The NTJWG is happy to report that these community dialogues were welcomed and appreciated by participants in the three communities as the NTJWG gave them much-needed information on the NPRC and its mandate which most participants were unaware of. These community dialogues also saw survivors and perpetrators in one room discussing transitional justice issues and this is a critical step

in the healing and reconciliation process. The participants indicated a willingness to engage with the NPRC and as such the NTJWG calls upon the NPRC to increase its visibility in these areas in fulfillment of its mandate. The NTJWG is also encouraged to note the increased participation of church leaders and traditional leaders in the community dialogues carried out to educate communities on the mandate of the NPRC. Church leaders and traditional leaders, are critical stakeholders in the transitional justice processes at the community level.

In the month of March, the NTJWG continued carrying out community dialogues aimed at increasing access to information for survivors on the national peace and reconciliation process to allow for informed participation. These community dialogues particularly focused on increasing information on the NPRC and its mandate to enable participants to effectively engage with the NPRC if it eventually visits their areas. The community dialogues were carried out in the following areas:

**Table of community dialogues conducted:**

Location	Date	Male	Female	Total Number of Participants
Nkayi, Ward 5	12/02/20	11	23	34
Chinhoyi, Gunhill Ward 13	14/02/20	28	31	59
Hwange, Ward 20	17/02/20	15	33	48
Nyanga, Ward 6	13/03/20	30	13	43
Bikita, Tambara Village, Ward 15	17/03/20	29	29	58
Chinhoyi, Shackleton, Ward 15	18/03/20	19	26	45
Chinhoyi, Ward 8	19/03/20	19	32	51
Bikita, Tadziripa Village, Ward 19	19/03/20	23	42	65

Victims and survivors highlighted that vandalisation of sites of memory in Matabeleland South, exhumations and proper burials are issues of concern for them. 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 term of the NPRC so that it completes its work and achieves its mandate, reparations, and the call for the inclusion of perpetrators in the community dialogues.



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*Exhumations and proper  
burials are issues of  
concern*”

### **Annual Retreat for Strategic Reflection**

On 5 and 6 March, the NTJWG members met with the secretariat for the NTJWG's Annual Retreat for Strategic Reflection in Harare. The retreat was facilitated by Mr. Brian Kagoro and aimed at facilitating strategic reflection on the work of the NTJWG, implementation of its strategy and plan for the year 2020. The NTJWG used the retreat as an opportunity to reflect on its 2019 – 2022 strategy with the view of updating it to suit the current operating context while making use of new opportunities that have arisen since the formulation of the strategy in 2019.

### **First NTJWG Meeting for 2020**

On 6 March, the NTJWG members and secretariat met for the first NTJWG quarterly meeting of 2020. The meeting was attended by nine NTJWG members and four NTJWG Secretariat members. The outcomes of the meeting were as follows:

1. Dr. Musa Kika was welcomed to the team as the new Programs Coordinator for the NTJWG Secretariat;
2. The NTJWG managed to evaluate activities done in the 1st quarter of the year;
3. The Secretariat managed to inform the members of upcoming activities that they need to diarise; and
4. An action plan was formulated to respond to concerns raised in the meeting.







# EMERGING TRANSITIONAL JUSTICE ISSUES

- The Search for Journalist Itai Dzamara continues 5 years later.
- President Mnangagwa insists that Gukurahundi reburials will take place.
- Legal Cases Against State Violence.
- Remembering 11 March 2007.
- NTJWG Stands in Solidarity with Last Maengahama and Tungamirai Madzokere.

# 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 and impress upon the Government of Zimbabwe that Itai is not forgotten. After the commemoration a petition was submitted to the President's office calling on the President to uphold the Constitution by ensuring that:

- a) Itai Dzamara is returned safely and reunited with his family and friends forthwith;
- b) A proper investigation is carried out on Itai Dzamara's disappearance and the nation is informed on the findings of the investigation;
- c) Itai Dzamara's abduction and other reported abductions are denounced and the perpetrators are held account.

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, Itai Dzamara's wife, Sheffra petitioned President Emmerson Mnangagwa over the abduction and disappearance of her husband on 9 March 2015. In a letter she submitted at Munhumutapa government offices where the President's offices are, Sheffra said she was caught between hope, grief and the pain of



*Sheffra Dzamara, wife to Itai Dzamara, on her way to submit a letter to President Emmerson Mnangagwa petitioning him over the abduction and disappearance of her husband on 9 March 2015 and appealing for help to get answers to ascertain her husband's whereabouts.*

*Picture Credit: Kumbirai Mafunda*

not knowing her husband's whereabouts. The NTJWG notes that on the 13th of March 2020, the Herald Newspaper reported that police investigations into the disappearance of Itai Dzamara are continuing, with law enforcement agents submitting over 113 fortnightly updates to the High Court. However these reports are of little consequence if they do not result in the true fate of Itai Dzamara being revealed and justice being served for him, his family and friends who have had to endure five years of not knowing what became of him.

The NTJWG notes that Itai Dzamara is not the only person to have disappeared in Zimbabwe for his political and civic activism. We continue to call on the relevant authorities in Zimbabwe to avail Itai Dzamara and give him back to his family.

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*To us, Itai Dzamara is not and will not just be another statistic. He is a colleague, a journalist, a husband, a brother, a son and father to his two lovely children who are being forced to grow up without one of their parents because of his passion for democracy in Zimbabwe.*

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## **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. Reports in the state-run newspaper Herald note that exhumations and reburials of Gukurahundi victims was one of the key resolutions agreed between Government and Matabeleland civic groups and traditional leaders when they met with the President in March last year.



*President Mnangagwa joined by Women of Zimbabwe Arise leader Jenni Williams and Minister of State for Bulawayo Provincial Affairs Cde Judith Ncube at the Matabeleland Civic Society meeting at State House in Bulawayo on 15 February 2020. Picture: Eliah Saushoma*

On 20 February, Minister of Home Affairs and Cultural Heritage Kazembe Kazembe led a government delegation that included the Registrar-General Clemence Masango and the Justice, Legal and Parliamentary Affairs Permanent Secretary Mrs. Virginia Mabiza to lay the ground for the commencement of issuance of civil documents to surviving spouses and the victims’ children. In a report by the Herald newspaper on 23 February 2020 Mrs. Mabiza said: *“On the other difficult issues such as exhumations and reburials, we will soon have a consensus-building meeting with chiefs, civic society groupings and other stakeholders, including the National Peace and Reconciliation Commission, to plan the way forward”*





Human Rights Lawyer and OSISA Director, Mr. Sipho Malunga along with other human rights defenders who have worked on the Gukurahundi issue contend that while the opportunity for families of victims to rebury their lost relatives presents possibilities of finally closing the chapters on the sad stories, the situation also brings up issues about lack of accountability of the human rights violations. He calls this debate *“the reburial-justice nexus”*. In African culture, the need for the perpetrators to atone for their actions is given such high importance such that it would be difficult for President Mnangagwa to want to insist on carrying forward with a process that fails to identify the perpetrators of the Gukurahundi massacres.

The Government of Zimbabwe should not carry on as if it is doing the survivors and families of the Gukurahundi massacres a favor.

In an article Malunga wrote in May 2019, (<https://zimbabwe-today.com/the-false-choice-between-reburials-and-justice-for-the-gukurahundi-victims/>) he argues against the issue of the Government of Zimbabwe pushing for reburials of the Gukurahundi victims.

His arguments remain potent to this day and the NTJWG believes that his views represent not just him but more victims, survivors and the majority of stakeholders on the Gukurahundi issue in Zimbabwe.

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*The reburial-justice  
nexus*

### **On the cultural values of burying one's own dead, Malunga argues that:**

*For families of victims, the choice between burying their loved ones and seeking justice and accountability is a non-existent one. In view of the cultural and traditional imperatives, burying the dead is a necessity devoid of any other consideration including justice. It has always been inconceivable that a family will refuse or fail to bury its relative indefinitely as ransom for justice. In the case of Gukurahundi victims, it is most likely that had the Gukurahundi not prevented the families from burying their dead, they would have buried them at the time of their death 30 years ago.*

### **On the rush by President Mnangagwa to go ahead with the reburials, Malunga notes that:**

*The effort to rush exhumations and reburials by President Mnangagwa, himself an alleged perpetrator (he was Minister of State Security and a key player in the planning and execution of Gukurahundi crimes) is clearly flawed and negates the imperative to simultaneously achieve, accountability and justice. The mass graves littered around Matabeleland and Midlands are crime scenes and contain evidence of Gukurahundi crimes. Hurried reburials, unaccompanied by documentation, justice and accountability measures are the antithesis of justice and accountability.*

*Whilst the offer by President Mnangagwa to resolve the Gukurahundi issue is unprecedented coming from the regime that for years has refused to acknowledge its role in these crimes, the proposed resolution is likely to result in the evasion of justice and accountability. Whether this is by design or inadvertent is unclear. In order for meaningful resolution of the Gukurahundi that enables the simultaneous closure for families who wish to bury their relatives, and the attainment of justice for both the victims and perpetrators of the crimes, the reburial process must be linked to a justice and accountability process.*

### **On the question of what needs to happen, Malunga proffers a solution:**

*For this to happen, a comprehensive, systematic and consistent process for justice, accountability and closure must be developed. Reburials must be a part of this comprehensive process not a stand-alone initiative. This is especially important because, once exhumed, the evidence of the Gukurahundi crime is gone - and with it any possibility of properly documenting the crime, attaining justice and holding perpetrators accountable. Even in the case of reburials, the exhumations that precede them must be done professionally and pursuant to internationally accepted standards that properly record or document the crimes, safeguard the remains, identify the cause of death and essentially facilitates justice for victims.*

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. Through exhumations, truth seeking and truth telling about the deaths of victims may be facilitated and this will help in healing not just their families but their communities and the nation. Exhumations may also lay the foundation for ensuring accountability and attaining justice, processes that are pivotal to national healing and reconciliation. The NTJWG believes that while the executive must support the NPRC, this process must be led by the NPRC as the exhumation process falls within the NPRC's mandate.

### **Legal Cases Against State Violence**

Several cases have been heard in the Zimbabwean courts for violence committed by State security agencies. Recently, Justice Chinamhora presiding in the High Court in Harare ordered 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 honor this order by the courts to compensate Mr. Chisi.

The Government is notorious for delaying payments for compensation which in our current situation leads to the sums paid severely 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, the Zimbabwe Republic Police was unleashed on the marchers.

Scores of people including the late Morgan Tsvangirai, Tendai Biti and Lovemore Madhuku were beaten, unlawfully arrested and detained at Highfield's Machipisa Police Station where they were further tortured resulting in serious injuries. 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, they even 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 little to no accountability for the human rights violations mentioned above. The police and the justice systems have largely ignored and neglected the reported cases by victims and survivors. 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 dies 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. The case was taken to the High Court sitting in Harare and three MDC officials by the names of Mr Last Maengahama, Ms Yvonne Musarurwa and Mr Tungamirai Madzokere are the ones who finally bore the brunt as they were charged of murder. The three were convicted of murder with actual intent by Justice Chinembiri Bhunu. While Ms Yvonne Musarurwa was released on a Presidential pardon in March 2018, the other pair remain 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. The Court reserved judgment.

While, the NTJWG seeks to remain neutral in matters before the courts, there is need for the judiciary to pay more attention to the arguments that have been put before the courts by the defence especially on the veracity of evidence provided at trial as well as the circumstances that led to the death of the police officer in question. The evidence given by fellow police officer, one Mr. Joshua Daka in July 2012 shows that Inspector Mutedza fell off from a moving police vehicle and hit the tarmac with his head as he tried to flee from the demonstrators who reportedly were throwing stones at the police.

The highly politicized matter has been a miscarriage of justice and the NTJWG hopes that the appeal that was heard by the Supreme Court on the 3rd of March 2020 and remains pending before the court will result in the opposition leaders' release.



NATIONAL  
TRANSITIONAL JUSTICE  
WORKING GROUP  
ZIMBABWE

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## About The National Transitional Justice Working Group

The National Transitional Justice Working Group (NTJWG) is a platform established by 46 Zimbabwean organisations representing various transitional justice stakeholders to provide the interface between transitional justice stakeholders and the official transitional justice processes in Zimbabwe.

### Vision

A peaceful, just, accountable and democratic society.

### Mission

To create inclusive space for the coordination of transitional justice stakeholders, share experiences; build synergies for comprehensive, accountable, victim centered and participatory transitional justice processes in Zimbabwe.

### Values

- Integrity
- Inclusivity
- Impartiality

### Members

Mr. Alec Muchadehama	Chairperson
Mr. Paul Themba Nyathi	Deputy Chairperson
Rev. Dr. Fradereck Chiromba	Promotion of Truth Thematic Leader
Ms. Roselyn Hanzi	Justice and Accountability Thematic Leader
Rev. Dr. Ray Motsi	Memorialization Thematic Leader
Ms. Abigail Matsvayi	Gender Thematic Leader
Mr. Wellington Nkawu	Survivors Thematic Group Leader
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Mr. Anthony Reeler	Institutional Reform Thematic Leader
Ms. Samukeliso Khumalo	Gender Independent Expert
Mr. Otto Saki	Independent Expert

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