

# NPRCWATCH



NATIONAL  
TRANSITIONAL JUSTICE  
WORKING GROUP  
ZIMBABWE

Follow all the Developments related to the NPRC

EDITION 7: JAN - MARCH 2019



ANALYSIS | PROFILES | NEWS | RECOMMENDATIONS | PARTICIPATION

## The #shutdown Zimbabwe protests and the shrinking space for civil society

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ZIMBABWE**

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## The NTJWG celebrates the adoption of the AUTJ

The 32nd Ordinary Session of the Assembly of the Union adopted the AU Transitional Justice Policy (AUTJP) on 12 February, 2019 in Addis Ababa in Ethiopia. The policy is a continental guideline for AU Member States to achieve sustainable peace, justice, reconciliation, social cohesion and healing in line with Article 4 (o) of the Constitutive Act of the African Union, which calls for peaceful resolution of conflicts, respect for the sanctity of human life, and the condemnation and rejection of impunity.

The AUTJP was initially considered and recommended for adoption by the 4th Ordinary Session of the Specialized Technical Committee on Justice and Legal Affairs held from 23-30 November 2018 in Addis Ababa, Ethiopia. Following which, the Policy was further considered by the Executive Council, at its session preceding the Assembly of the Union. The adoption culminates an eight-year journey characterised by multiple consultations, revision and refining to produce a policy that is part of the African Shared Values instruments.

As one of the key policies aimed at realizing Aspiration 3 of Agenda 2063, the AUTJP builds on the AU Policy on Post-Conflict Reconstruction and Development and draws lessons from past experiences, including African traditional justice systems. The AUTJP presents an African model with holistic parameters, benchmarks and practical strategic proposals for designing, implementing, monitoring and evaluating transitional justice in AU Member States based on key principles and specific indicative elements. The policy also aims to ensure that transitional justice activities address root causes of conflicts, legacies of violence, governance deficits and developmental challenges in Africa.

Commenting on the adoption of the Policy, H.E Ambassador Minata Samate Cessouma, the Commissioner for Political Affairs of the African Union Commission said: “...the African Union is once again renewing its commitment to the promotion and protection of justice, accountability, human and peoples' rights in Africa”. She noted that: “this new wave of Human and Peoples Rights promotion and activism in Africa requires the support of all of us, for it to make the required difference”. The Commissioner further commended the AU Member States that have embraced the Policy prior to its adoption and championed its implementation.

Source: African Union, Department of Political Affairs: [here](#).

The NTJWG hopes that the policy will be domesticated by Zimbabwe given the urgency to deal with the past and a legacy of violence which has rocked the nation for years. The NTJWG implores the Government of Zimbabwe to use the policy to inform and facilitate efforts by various transitional justice actors to address the root causes of conflict in the country, legacies of violence and governance deficits which are the traditional conflict fault lines which makes Zimbabwe vulnerable to violence now and in the future. The NTJWG believes that if heads are put together, Zimbabwe there shall be peace, unity and prosperity in Zimbabwe.

You can access the full African Transitional Justice Policy: [here](#).

# Contextual Analysis

## The #shutdown Zimbabwe protests and the shrinking space for civil society

The past few months have been both dramatic and tragic for Zimbabwe. The past few months have seen the economy of Zimbabwe deteriorating at an expedited scale, the cost of leaving skyrocketing, the increased violent clamping down of protests by the State and pervasive calls for a national dialogue to arrest the deepening crises.

Following the 30 July, 2018 post-Mugabe election which tragically turned bloody when the Zimbabwe National Army (ZNA) gunned down 7 civilians as it tried to clamp-down on post-election protests, there was an international outcry which forced Emmerson Mnangagwa to appoint a 7 member commission of inquiry led by former President of South Africa Kgalema Montlanthe. The hearings commenced in September and were concluded in October, 2018 and made some very important recommendations for redress.



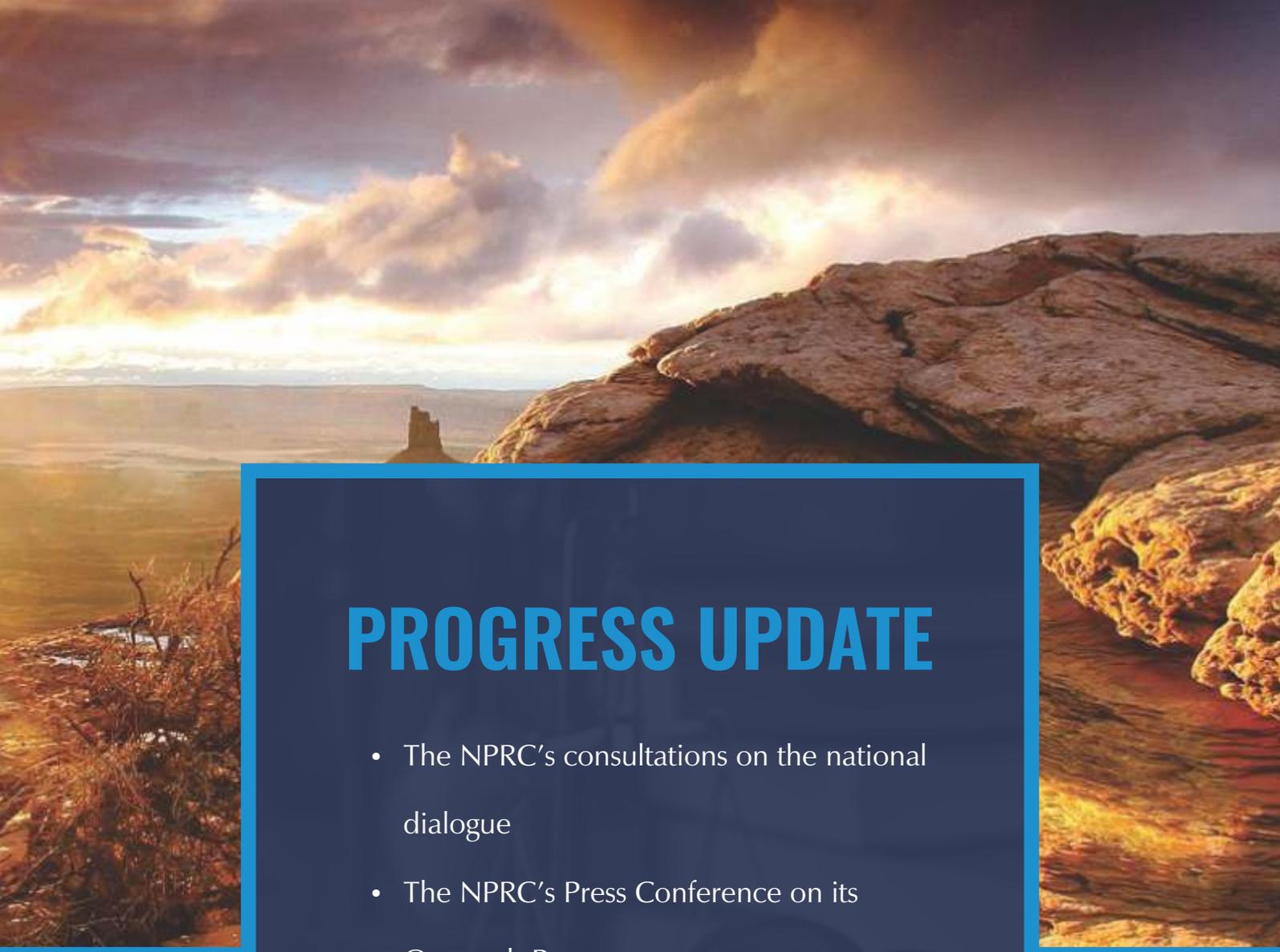
Matters were made worse when on 12 January, 2019 in response to persistent fuel shortages, compounded by manipulation and mismanagement by a volatile currency system, President Emmerson Mnangagwa announced a fuel price hike of over 100 per cent from \$1.30 to \$3.31 per litre which worsened the economic plight of many Zimbabweans already grappling with poverty. Transport and commodity price increases which would add to the stress of ordinary Zimbabweans' lives.

The massive rise sparked a general strike, along with widespread protests, which in many areas was characterised by violence and considerable destruction of property. Those behind the strike did not call for demonstrations but thousands, especially young people took to the streets with many looting shops, burning cars and buildings. Protests were concentrated in and around the main opposition strongholds, the capital Harare and Bulawayo, but also appeared in cities elsewhere across the country. In turn, the government ordered a vicious clampdown – deploying soldiers as well as police in the fashion of the 1 August, 2018 response.

At the end of the second day of protests on 15 January, Zimbabwe's Doctors for Human Rights (ZADR) released a statement saying *"hundreds shot, tens estimated dead in rampant rights violations across Zimbabwe"*. Their assessment included reports of 107 patients treated for gunshot and blunt trauma wounds. For days after that it was hard to obtain updated casualty figures. The government blocked internet services, both at the outset of the unrest and again on 18 January, 2019 severely disrupting the flow of information and contributing to widespread confusion.

Following the protests, the Government of Zimbabwe has made some unrelenting efforts to quell activities of civil society organisations and human rights defenders. Civic space has since deteriorated since January, 2019. At the time of the report, there were reports of efforts by the government a law which banned protests and strikes in Zimbabwe. Many civil society leaders were either abducted and arbitrarily arrested and charged with attempting to subvert a constitutionally elected government.

It is therefore, glaringly evident that since November, 2017 up to date Zimbabwe has become a militarised state characterised by a myriad of human rights violations and impunity. The NTJWG therefore maintains its call that there should be tangible and real institutional reforms so as to ensure that there is non-recurrence of violence and gross human rights at the scale of the past. The NTJWG implores the government of Zimbabwe to take deliberate steps towards the respect, promotion and protection of human rights and say *'Never Again'*.



# PROGRESS UPDATE

- The NPRC's consultations on the national dialogue
- The NPRC's Press Conference on its Outreach Programme
- Issues of concern raised during the plenary
- The NPRC's Outreach Meetings

## The NPRC's consultations on the national dialogue

Following the press statement issued on 15 January, 2019, the National Peace and Reconciliation Commission (NPRC) provided a platform for a National Dialogue to allow Zimbabweans to share their views on how to address the situation in our country and foster sustainable peace and development.

Drawing from its mandate as espoused in Chapter 12 Part 6 section 252 of the Constitution, (function(d); develop procedures and institutions at a national level to facilitate dialogue among political parties, communities, organisations and other groups, in order to prevent conflicts and disputes arising in the future), the NPRC envisages the National Dialogue as an opportunity for Zimbabweans to collectively shape their desired socio-economic and political landscape and bring meaningful transformation to the nation [source: Veritas]. The Commission has so far conducted multi-lateral and bilateral consultations with the goal of building consensus on the need for a national dialogue and to jointly formulate with us the framework to guide the National Dialogue process.

Justice Nare added that “, the objective of the meetings were to jointly develop a framework for a comprehensive dialogue. While the NPRC has set the creation of dialogue platforms as a key activity in its strategic plan, the events of the past few weeks have made it imperative to move with speed to create a space for national conversations towards social, economic and political transformation. In an effort to come up with a framework for national dialogue,

conversations were centred on the following key questions; why are Zimbabweans not talking? What are the key pillars of national dialogue? Who should participate, how and at what level? How should a dialogue process be structured and what does a successful dialogue look like?”

Justice Nare said “,the outcomes of the meetings included, but no limited to issues of inclusivity across regions, sectors and communities, the process must be a hybrid of top-down and bottom-up approaches and transparency, honesty and genuineness, trust building, principles of Ubuntu. The meeting noted the need to address immediate issues as well as putting in place medium and long-term plans for dialogue.”

The process was suspended after the NPRC chairperson was appointed as the facilitator of the Political Actors Dialogue (POLAD) initiated by President Emmerson Mnangagwa in February, 2019.

The NTJWG will also engage the NPRC and try to convince them to resume the consultations.

## The NPRC's Press Conference on its Outreach Programme

The Secretariat of the NTJWG, represented by Tendaishe Tlou and Tatenda Makanza, attended the NPRC Press Conference on 9 April, 2019 held at Meikles Hotel from 4:30pm to 5:30pm.

The NPRC noted that following the launch of its five-year strategic plan, it has been working to set-up and operationalise its internal mechanisms in order to launch a nationwide

healing and reconciliation programme.

The Commission highlighted that it intended to embark on a twenty-one day outreach programme to share and raise awareness on mechanisms and approaches that will be utilised in handling national healing and reconciliation including:

- i) Strategic priorities for 2019: public hearings for healing and reconciliation, mechanisms for early detection of conflict, national dialogue facilitation, setting-up of peace committees, evidence-based legislative and policy recommendations;
- ii) Key thematic areas including complaints handling mechanism, victim support mechanism, truth-telling and seeking mechanism, healing, reconciliation and rehabilitation strategy, research and knowledge movement strategy and
- iii) Highlighting structures in which Zimbabweans can participate for a broad-based and inclusive national healing, reconciliation and peace building process.

### **Schedule of the Outreach Programme:**

- a) 15 - 16 April, 2019: Mashonaland East
- b) 23 - 28 April, 2019: Matebeleland North, South and Midlands
- c) 29 - 30 April, 2019: Mashonaland Central
- d) 2 - 4 May, 2019: Harare and Mashonaland West
- e) 6 - 7 May, 2019: Masvingo
- f) 8 - 10 May, 2019: Manicaland
- g) 14 - 15 May, 2019: Gweru, Midlands and
- h) 7 June, 2019: Bulawayo.

### **Issues of concern raised during the plenary:**

- The timeline is too narrow for the Commission to cover the whole country
- The Commission is relying on stakeholder organisations for mobilisations which might lead to some organisations being represented than others and the outreach not reaching out to the people it is intended to reach.
- It is not clear how the Commission will guarantee witness protection during and after the hearings.
- The issues covered under (i), (ii) and (iii) are important yet to huge a mandate to be done within 21 days, it is better for the Commission to focus on pertinent matters such as truth-telling and truth-seeking over issues such as early-warning systems and setting-up of peace committees as this might take up precious time.
- In relation to the Secretariat, though the Commission indicated that they appointed Mrs. Zembe as the Executive Secretary, a number of officers and the Media and many people will be handling complaints, providing counselling to witnesses, among other things. During the plenary, we indicated that the Commission is still lean to undertake an outreach programme of this magnitude.
- In terms of the Commission's state of preparedness, learning from the February, 2018 consultations and the Commission of Inquiry 1 August, 2018 hearings which were characterised by disruptions, the Secretariat inquired how different the Commission's preparedness was different

from last year and how it has managed to reach out to CSOs and CBOs. The Commission responded by saying that what happened last year was therapeutic and expected because people had for a long time not been given a platform to express their experiences. The Commission said that it has placed Commissioner Ncube, for example, in Matebeleland as a resident Commission to remain in touch with communities and since then they have a working relationship with many individuals and organisations in the region.

- The Commission did not provide an adequate answer to a question raised regarding what the Commission will do after conducting the consultations.

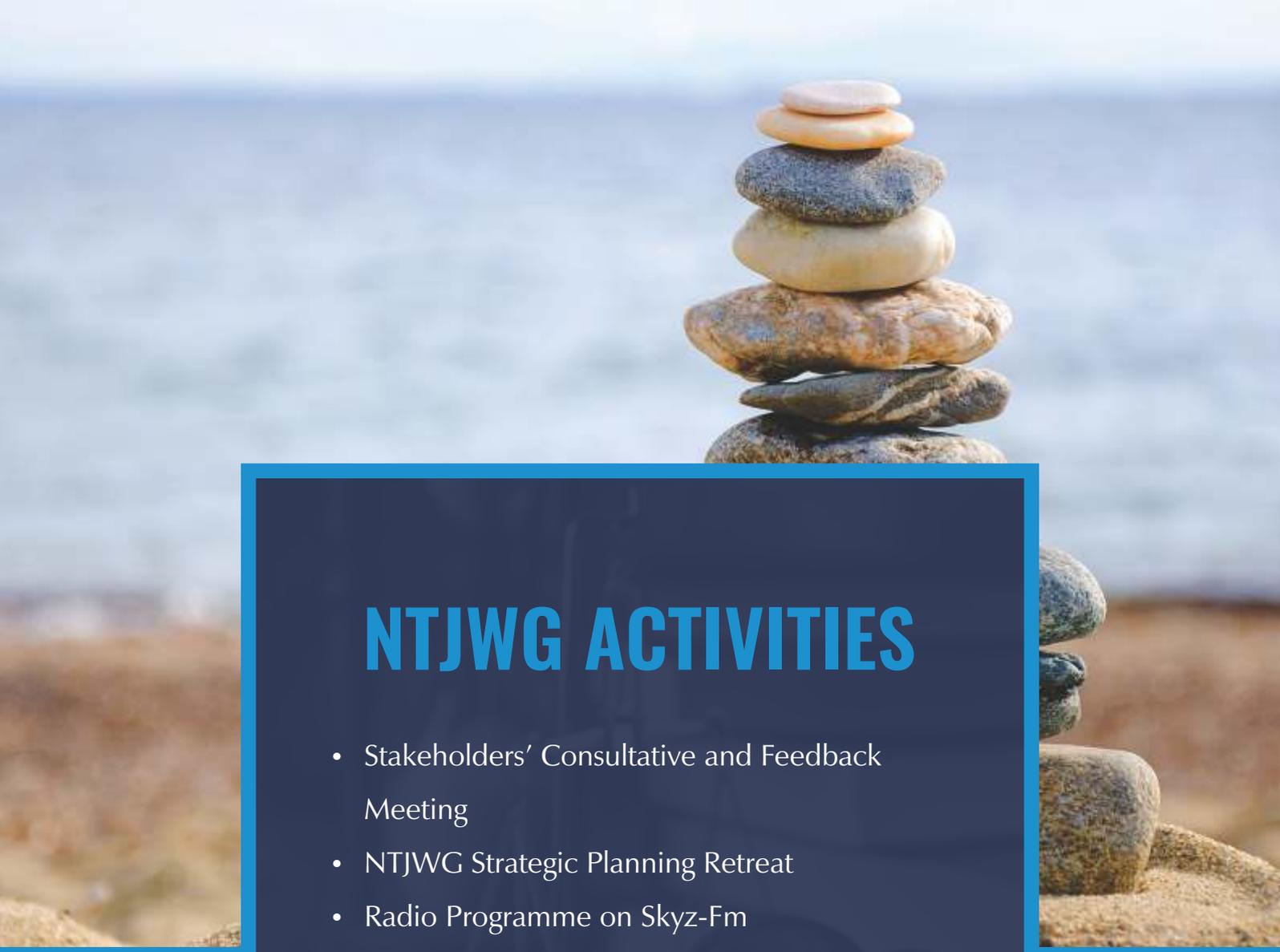
### **The NTJWG's Response:**

- 1) The NTJWG notified and mobilised its stakeholders and survivors to attend the meetings in all Provinces so that they also participate in the process;
- 2) The NTJWG compiled reports from the information supplied by its stakeholders which will be presented to the NPRC in due course and
- 3) A detailed report is being written analysing the outcomes and impact of the NPRC outreach meetings.

### **The NPRC's Outreach Meetings**

Following the press conference on 9 April, 2019 the NPRC embarked a national outreach programme to raise awareness of its work, engage survivors about their needs and concerns, introduce the Commission's strategic plan to stakeholders and answer any questions related to its mandate towards the promotion of national peace and reconciliation.

Outcomes of the 21-day outreach programme includes identifying strategic priorities for 2019 such as public hearings for healing and reconciliation, adoption of mechanisms for early detection of conflicts, national dialogue facilitation, agreements on dates to set-up and members of peace committees.



# NTJWG ACTIVITIES

- Stakeholders' Consultative and Feedback Meeting
- NTJWG Strategic Planning Retreat
- Radio Programme on Skyz-Fm
- International Women's Day
- The NTJWG Stakeholders' Consultative and Monitoring Meeting on the Work of the NPRC
- The NTJWG-Survivors Interface Meeting
- The NTJWG Archival Project Review and Training Workshop
- The NTJWG Transitional Justice Dialogue Series
- International Day of Truth Commemorations

# Convening Platforms

## Stakeholders' Consultative and Feedback Meeting: 20/02/19

The NTJWG convened a meeting with stakeholders in Bulawayo to reflect on the work of the Working Group in 2018 to map the way forward for 2019. The discussions were based on the real and perceived threats to transitional justice processes happening across the country and how the NTJWG can be organised to respond to pertinent issues. The facilitator of the NTJWG stakeholders' feedback and consultative meeting was Mr. Brian. B. Kagoro. This will see the NTJWG finding ways to adjust and adopt to the prevailing context. This was attended by 12 participants, including NTJWG members.

## NTJWG Strategic Planning Retreat: 21-22/02/19

For 2 days, the NTJWG in partnership with CSV, met to develop the Working Group's strategic framework for 2019 and beyond building on the momentum of the Transitional Justice Policy Symposium convened in November, 2018 in Bulawayo. The draft report for the strategic planning meeting is now with the NTJWG members for review and is due for publication in April, 2019. The strategy planning retreat was attended by 15

## Radio Programme on Skyz-Fm: 22/02/19

Towards the end of the Strategic Planning Meeting, the Working Group, with its stakeholders, had a radio programme to discuss the national and regional transitional justice strategy for 2019. This provoked discussions around state violence in relation to the 1 August, 2018 shootings and the January, 2019 shutdown protests.

It also popularised the NTJWG transitional justice advocacy strategy and linked it to the pending issues in the Matebeleland region. It also gave citizens an opportunity to input into the policy making the process inclusive. Panelists were Rev. Motsi (NTJWG), Annah Moyo (CSV) and Mthokozisi Ndebele (WILD Trust). The clip of the radio programme is available on the NTJWG sound cloud.

## International Women's Day : 08/03/19

The NTJWG joined the rest of the world in commemorating the International Women's Day on 08/03/19. The Working Group was joined by UN Women, ZWLA, ZCC and other stakeholders to discuss pertinent issues related to gender-based violence. The event was attended by 51 participants. It was agreed that there is need to use innovative techniques such as technology to pursue gender equality and to quell violence against women. In the same vein, a press statement was published to this effect.

## **The NTJWG Stakeholders' Consultative and Monitoring Meeting on the Work of the NPRC**

The NTJWG convened a meeting bringing together 30 stakeholders based in Masvingo on 13/03/19 as a prelude to the NPRC-Survivors interface meeting on 14/03/19. This will prepare the NTJWG to effectively engage the Commission and speak with one voice, identify areas that need improvement and map the way forward for 2019.

## **The NTJWG-Survivors Interface Meeting**

The Zimbabwe Human Rights NGO Forum, in its capacity at the Secretariat of the National Transitional Justice Working Group (NTJWG) will held a meeting with survivors who are victims of gross human rights violations on 14/03/19 in Masvingo. This meeting intended to increase interaction and collaboration between the NPRC and survivors. Even though the NPRC failed to come, it also gave the NTJWG to reconnect with survivors in the Masvingo region who openly expressed their needs and concerns and gave advice to the NTJWG on how to effectively engage communities and other survivors. 23 participants attended the interface meeting. The findings in Masvingo will be shared with the NPRC in its NPRC brief. The NTJWG is strengthening its victim-centred approach in its programming in the process of engaging survivors of past atrocities.

## **The NTJWG Archival Project Review and Training Workshop**

Since 2018, the NTJWG has been developing a digital human rights archive which will enable all human rights stakeholders and survivors to readily access and upload data on human rights, transitional justice and conflict in Zimbabwe since 1980. The Working Group convened a training on 18/03/2019 for the Archival Reference Group to showcase and show them how to use this portal which will be a major source of information for national peace and reconciliation processes in the country. 12 participants attended the workshop from Harare, Masvingo, Mutare, Bulawayo, Gweru and Chinhoyi who are actively engaged in human rights and transitional justice activities.

## **The NTJWG Transitional Justice Dialogue Series in Harare and Bulawayo on 19 and 26 March, 2019, respectively.**

In March, 2019 the NTJWG launched the first of its transitional dialogue series which brought together players in transitional justice processes in Zimbabwe to input into the increased call for a national dialogue. Since a number of initiatives have already started taking shape under the auspices of 'national dialogues for example the National Peace and Reconciliation Commission's (NPRC) consultations aimed at coming up with a national framework for dialogue, the Zimbabwe Council of Churches (ZCC) high level National Leaders Breakfast Meeting which brought together the leading political parties on 7 February, 2019 and the President's meeting held on 6 February at the State House all point to the activation of processes aimed at initiating some sought of discussion to arrest Zimbabwe's increased economic, social and political decay. However, the NTJWG, has noticed that what is lacking in all these processes is a coordinated and inclusive platform which enables everyone to participate in the process and prevent the dialogue from becoming a gathering and a deal for the elite as history has shown.

It is in this context that NTJWG convened 2 high level dialogue series on understanding the principles, processes and foundations for an effective and sustainable dialogue from an African experience. All-in-all the dialogues were attended by 123 participants. The NTJWG is in the process of developing a comprehensive report that will inform and influence all present and future dialogue processes in the country.

## International Day of Truth Commemorations: 28/03/19

### Strategic Partners' Engagement

As NTJWG celebrated a number of its significant and notable advocacy milestones marking its 5th Anniversary, it set aside 28 March, 2019 for reflection and strategic re-engagement with its partners. This coincided with commemorations of the International Day for the Right to the Truth Concerning Gross Violation of Human Rights which is observed on 24 March of every year.

In the morning of 28 March, 2019 the NTJWG convened a strategic partners engagement with ten members from the donor community, 5 NTJWG members, 3 survivors and seven members from the Secretariat. The NTJWG exhibited six of its signature document products and its human rights archive to stakeholders which were well received. A full report is in the process of being developed which detail this.

### Movie Night: Cinema of Truth

Between 5:30pm and 7:30pm, NTJWG Thematic hosted a movie night at Eastgate Ster Kinekor in Harare in commemoration of the right to the truth. The documentary showcased the plight of women in situations of violent conflict who are often victims of sexual assault and rape.

This was chosen in light of the sexual reports of women who were raped in Zimbabwe in the aftermath of the #shutdown protests which the State curbed with armed violence. The

movie was followed by a panel discussion on the role of archives in truth-seeking and reconciliation. Panelists were Shari Eppel who is an expert in exhumation of victims of Gukurahundi, Patson Dzamara who is a human rights activist and Roselyn Hanzi who is an NTJWG Justice and Accountability thematic leader.

The cinema of truth was attended by 64 participants from Civil Society Organizations (CSOs), Faith-Based Organizations (FBOs), youth movements, among others. A full report is being developed for publication.

**CINEMA OF TRUTH**  
 AN UNLIKELY TEAM. AN UNPRECEDENTED CASE. A FIGHT FOR JUSTICE  
**THE UNCONDEMNED**  
 In Commemoration of the UN International Day for the Right to the Truth

**FILM SCREENING AND PANEL DISCUSSION**

Featuring  
 Panel Discussion hosted by **Jestina Mukoko**  
**"WHY TRUTH MATTERS FOR VICTIMS"**  
 Launch of  
**"Human Rights Archive, Zimbabwe"**  
 A truth-seeking initiative of the NTJWG

**MARCH 28** EASTGATE HARARE  
**Time: 17:30**  
 At the Ster Kinekor Eastgate

**FREE ADMISSION**  
 But Registration is required

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# PUBLICATIONS

- NTJWG NPRC Briefing
- NTJWG Executive Briefing
- NTJWG International Day of Truth Press Statement
- The Code of Inclusion
- The State of Transitional Justice Report
- NTJWG Newsletter: February to March, 2019

### NTJWG NPRC Briefing

The 2019 briefing for the first quarter was presented to the National Peace and Reconciliation Commission on 10 April, 2019. The NTJWG chairperson also presented the Code of Inclusion to the NPRC. The briefing embodies a summary of the issues related to the appointment of the NPRC's secretariat, reporting obligations, the #shutdown atrocities, lifespan of the Commission, the NPRC's community interface meetings, funding of the Commission and upcoming meetings or activities of the Commission.

The briefing will be uploaded onto the NTJWG website.

### NTJWG Executive Briefing

This briefing will be presented to the Permanent Secretary in the Vice President's Office in June, 2019. The briefing draws from the monitoring work done by NTJWG and the views obtained from stakeholders who are concerned with the national peace and reconciliation process in Zimbabwe. Of great significance is the increased involvement of the security forces in civilian affairs, implementation of the recommendations of the Montlanthe Commission, establishment of the Independent Complaints Mechanism, observance of the mandate of the NPRC, lifespan of the Commission, funding of the NPRC and advocacy for the adoption of the African Union transitional justice policy by Zimbabwe.

The briefing will be availed onto the website after the meeting with the Permanent Secretary.

### NTJWG International Day of Truth Press Statement

On 28 March, 2019 the NTJWG published a press statement entitled 'In Pursuit of Truth' to commemorate the International Day of Truth commemorated on 24 March of every year across the globe. The press statement paid tribute to activists who were never accounted for in Zimbabwe, extension of the tenure of the NPRC and increased involvement of the army in civilian affairs.

The collage features three main documents:

- NPRCWATCH:** A newsletter titled "NPRCWATCH" with the subtitle "Follow all the Developments related to the NPRC". It features a "NPRC Briefing" for March 2019. The content includes sections on "About this briefing", "The NTJWG Welcomes the NPRC Secretariat", "NPRC's Reporting Obligations", "The Mandate of the NPRC and its Role", "The Lifespan of the NPRC", and "Conclusion".
- Executive Briefing:** A document titled "EXECUTIVE BRIEFING" for January - March 2019. It includes sections for "ISSUES INSIDE" (listing increased involvement of security services, implementation of Montlanthe Commission recommendations, establishment of an independent complaints mechanism, and observation of the mandate) and "Other Issues" (listing the lifespan of the NPRC and funding for the NPRC).
- The Code of Inclusion:** A document titled "THE CODE OF INCLUSION" with the subtitle "Guiding Principles on Inclusive Public Consultation and Participation in Transitional Justice Processes in Zimbabwe". It includes a "2018" graphic and a quote: "Inclusive public participation is one means of decreasing tension and conflict over public policy decisions. It is not a stumbling block to healing, but an opportunity to initiate an often difficult and emotive conversation".

## **The Code of Inclusion: Guiding Principles on Inclusive Public Consultation and Participation in Transitional Justice Processes in Zimbabwe**

On 28 March, 2019 the NTJWG launched the '*Code of Inclusion: Guiding Principles on Inclusive Public Consultation and Participation in Transitional Justice Processes in Zimbabwe.*' The Code of Inclusion is an answer to the questions such as inclusion of victims and survivors of past atrocities that the NTJWG has been grappling with for the past 5 years as a working group, but maybe for much longer for victims of past violence.

Upon the establishment of the National Peace and Reconciliation Commission (NPRC), 36 organisations met on 7 March, 2018 at the '*NPRC What's Next Conference*' and asked some critical questions about the upcoming work of the NPRC, including how the process can be put survivors and victims of past violence at the centre.

You can access the full document: [here](#)

## **The State of Transitional Justice Report**

The 2018 State of Transitional Justice Report captures the key developments in Zimbabwe's key transitional justice processes since the last report published in January 2018. It highlights those developments relevant to the mandate of the United Nations Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence. The report documents the outstanding areas of implementation according to domestic law and international obligations.

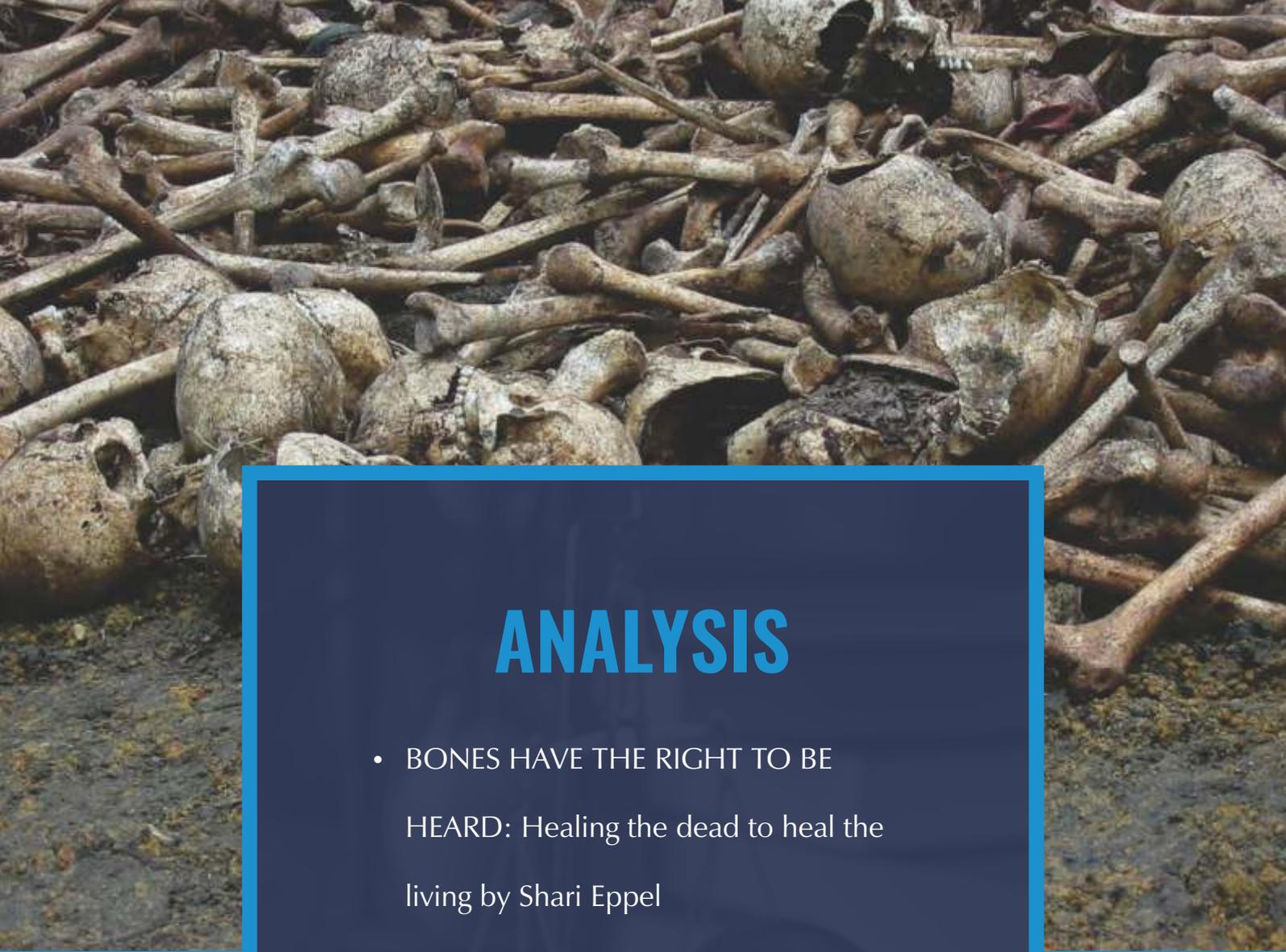
You can access the report: [here](#)

## **NTJWG Newsletter: February to March, 2019**

The newsletter serves to provide a brief update for stakeholders on the transitional justice developments in the country as well as activities of the NTJWG in the first quarter of 2019. This briefing covers activities that were implemented by the NTJWG from January to March, 2019.

These are NTJWG stakeholders consultative and feedback meeting, Bulawayo: 20 February 2019, NTJWG strategic planning meeting, Bulawayo, 21 to 22 February 2019, NTJWG radio programme on Skyz-Fm, Bulawayo: 22 February 2019, NTJWG International Women's Day Commemorations, Harare: 8 March 2019, NTJWG stakeholders' consultative and monitoring meeting: Masvingo, 13 March 2019, NTJWG-Survivors interface meeting, Masvingo: 14 March 2019, NTJWG archival project review and training workshop, Harare: 18 March 2019, NTJWG transitional justice dialogue series, Bulawayo and Harare: 19 and 26 March, 2019 and International day of truth commemorations, Harare: 28 March, 2019.

You can access the newsletter: [here](#)



# ANALYSIS

- BONES HAVE THE RIGHT TO BE HEARD: Healing the dead to heal the living by Shari Eppel

## BONES HAVE THE RIGHT TO BE HEARD

### Healing the dead to heal the living

Reflections by Shari Eppel, Ukuthula Trust, Bulawayo, Zimbabwe

At a time when former president Robert Mugabe's government avoided debate on Gukurahundi massacres to an extent that talk about the bloody past was criminalised, a human rights activist was helping the victims find closure by identifying remains of their relatives for decent burials. Shari Eppel, the director of Ukuthula Trust, which was in the headlines recently after leading the exhumation of remains of a young Tsholotsho couple that was shot in cold blood by soldiers from the 5th Brigade, believes bones of the Gukurahundi victims are “speaking and have a right to be heard”. She leads a team of forensic archaeologists and forensic anthropologists under Ukuthula Trust, which has been carrying out exhumations in Matabeleland for more than 20 years. The Standard's senior reporter Nqobani Ndlovu interviewed Shari Eppel (SE). Eppel told Ndlovu (NN) that the number of people killed during Gukurahundi may never be known because of ethical issues around exhuming remains in mass graves and mine shafts.

**NN:** You have been working with communities affected by Gukurahundi in Matabeleland for many years, where remains of a number of people killed by the 5th Brigade have been reburied. Please give us a brief background.

**SE:** *I personally have been researching and writing about violence in Matabeleland since 1995, including being the primary author and primary researcher of the Catholic Commission for Justice and Peace (CCJP)-Legal Resources Foundation (LRF) report, Breaking the Silence, Building True Peace: A Report on the Disturbances in Matabeleland and the Midlands 1980-1988. Many others contributed in many ways to this document.*

*It was the first transitional justice report related to the 1980s, and for me, the recommendations remain as relevant now as they did in the 1990s.*

*It was no accident that the report included the words “Building True Peace” in the title, and this remains paramount to our team.*

*Our work is aimed at resolving and not enflaming conflicts, wherever possible. It was the recommendations of “Breaking the Silence” that in fact drove our work in Matabeleland, in particular the recommendations both on recovery of human remains and on psychosocial support and rehabilitation for victims of violence. It must also be clarified that of course, there are still surviving victims of the war of independence, who also carry wounds to this day, and we have always included them in our programmes, as well as victims of Gukurahundi.*

**NN:** Tell us about the history of the exhumations.

**SE:** *When our team began community consultations in Matabeleland South, including with traditional leadership, we realised that our Western medical approach as to how widespread state violence impacted people, was flawed.*

*People did not talk to us of “depression” and post-traumatic stress disorder (PTSD) — concepts, which were alien to rural villagers. Instead they immediately spoke about the “angry dead”, and of those who were buried in the wrong place, interfering with community activities.*

*It was explained by the chiefs that these dead were “bones in the forest”, in need of being moved, to be buried in the right place, in the right way, by the right people.*

*This meant burials in family grave yards, by family members in the presence of traditional leadership — with rituals taking place, including “umbuyiso” a year later.*

*Only if this was done, could the dead be at peace and become a useful and constructive presence in the ancestral spirit hierarchies.*

*This is why we began to exhume — we realised that to heal the living, we had to first “heal the dead”.*

*We have always been aware that exhumation and analysis of remains is a highly skilled task, and called on the Argentine Forensic Anthropology Team (EAAF) to come to Zimbabwe and begin training us in forensic archaeology and forensic anthropology.*

*This was in 1998, more than 20 years ago.*

*Between 1999 and 2001, we jointly conducted exhumations of around 20 people, in a few weeks of digging each year.*

*Since 2014, we have resumed occasional exhumations, when requested by traditional leadership and families to undertake them.*

*We see our role as that of a team with a unique skill, who can use that skill to facilitate what families want.*

**NN:** What have you been able to learn from the bones? What does your team do in the field?

**SE:** *We dig using forensic archaeological principles, which means that we preserve context at every point, and above all dig very carefully to allow the bones to be fully revealed without*

any damage or disturbance of the remains. This process is meticulously recorded both with a running log, and with photographs.

The families and traditional leaders are encouraged to undertake rituals or prayers at any point, before, during and after the process, and to observe what we are doing, in the interests of total transparency. This is about healing, and about respect for human remains, respect for families, and for cultural needs.

**NN:** What would you say are the positive outcomes of these reburials for the affected families?

**SE:** Expert exhumation allows for recovery of historical memory, for families, for communities, and eventually, I hope, for the nation. This is a very moving process for families, as they see for the first time in decades, the clothing and personal effects of their loved ones.

In the case of grandchildren, and even children who were very young at the time of death of a parent, they are effectively meeting their parent or grandparent for the first time. For eyewitnesses and those who witnessed the death(s), exhumation is vindication of their personal statements about events.

Gukurahundi has remained an unspoken topic for so long, and very few settings can encourage and release truth telling as effectively as being present at an exhumation or reburial, as those who have attended either, will testify.

Bones too, have a right to speak and be heard, without being crudely removed from the earth in a way that silences them.

We welcome the announcement from the government that it is now acceptable for anyone to talk about Gukurahundi, and assume that this means that bones have a right to talk too, without being broken, commingled or hurriedly removed and hurriedly reburied.

Commingling is the mixing up of bones from different individuals, and this is expressly against all international standards and conventions concerning the disappeared and dead. If non-experts dig up mass graves, commingling is inevitable.

Healing and recovery of memory are processes that begin prior to exhumation, during lengthy and repeated discussions with relatives and communities about the dead person, who may not have been spoken of for years. We find that often those who were very young at the time of Gukurahundi have not even been told how their parent died, simply that he is dead and such is the fear and silence still around the topic.

In our observation, families often meet and discuss the violent deaths in detail for the first time in the context of wanting an exhumation. This process continues through to the reburial.

**NN:** What happens after exhumation?

**SE:** *Once bones are expertly exhumed, they need to be expertly examined, a process called forensic anthropology.*

*I have personally been trained to Masters Level in USA to evidentiary and professional standards. Our team as a whole has been trained by the Argentineans, by the University of Pretoria Anatomy Department and by other international experts over the years.*

*The team needs to establish the biological profile of the dead person/s, prior to exhumation, so that our examination of the bones can confirm one way or another the probability that the remains are indeed those of the proposed individual.*

*We will ask family members the age at time of death, the approximate height of the individual, and anything about the teeth that can be remembered, as dental records are almost unheard of. Also the history of any broken bones during the life of the person will be asked about, as a bone healed even for decades may still show a slight callus.*

*As the years go by, there are fewer and fewer people left alive who can inform us of the biological and health history of the dead.... DNA testing remains a possibility where absolutely necessary, but extracting DNA from bones is expensive and highly specialised and cannot be done in Zimbabwe.*

*Depending on the condition of the bones, which can vary considerably depending on the soil and whether it has partially destroyed the bones or not, we are able to establish probable ancestry, sex, approximate age at time of death, and approximate stature of the deceased.*

*We can also establish pre-, peri and post mortem trauma. Peri-mortem trauma is trauma associated with time of death, and can be divided into blunt, sharp, ballistic and burnt trauma, or any combination thereof.*

*We have come across all these types of trauma during exhumations. Giving this information to families can be painful, but is also often what they most want to hear. It is frequently not possible to find a cause of death, as most deaths are caused by organ failure of some kind, and the soft tissues are no longer there.*

*What remains in the bones is the scarcest of narratives, and sometimes there is nothing to be seen: it is only if bones have been fractured by bullets, or broken or cut by blunt or sharp objects, that trauma is visible.*

*It is quite possible for bullets to pass through a torso without breaking bones, for example. It is our role to be conservative and give a simple voice to what is indisputable.*

**NN:** Do you think that the reburials can help the victims to find justice, and if so, how?

**SE:** *Justice takes many forms, and I am personally in favour of restorative justice, which exhumations can certainly contribute to. In fact, exhumations happen daily around the world, for restorative justice processes. For example, our team has exhumed with the Missing Persons Task Team (MPTT), a team of experts that works in South Africa to recover those who were reported as missing to the South African Truth Commission. We have worked with them in the field in South Africa for several years now. The simple intention of the current MPTT exhumations is to find and return remains to families for reburial.*

*We have been asked to exhume in Germany this summer, to recover American WWII veterans for return to the USA, and have also been invited to exhume in Spain, where those who were killed by Franco's army in the Civil War of the 1920-30s are now being exhumed, at the request of grandchildren and great grandchildren. In all of these cases, exhumations are about recovery of memory, and recovery of remains for families to have closure and the truth.*

*We have much left to learn, as this is a complicated field, and are very grateful for the opportunities other forensic experts have given us. In Cyprus, which I visited last year, there is a longstanding programme run by Turkish Cyprus, Greek Cyprus and the United Nations, to recover and return the approximately 3 000 people who disappeared in the 1970s coup.*

*There is an express understanding there will be no prosecutions, simply return of remains to families. I could continue to list the many contexts in which exhumations are about restorative justice, with families and their need for the truth at the centre. Of course, there are also contexts in which bones are used for purposes of criminal justice, but we are a mental health team at heart, and are concerned about healing and "building true peace".*

*I think people underestimate the challenges of meeting the criteria for criminal justice after all these years, apart from properly assessing whether peace is more important than justice. This is simply my opinion and I am aware that others differ fiercely – I care about families and communities having the space and support to move on from the past by knowing the truth at the level of their families, and being able to 'heal' their dead.*

*I am also aware of the urgency of our task – the parents, widows, and neighbours who can bear witness and help us to identify who is buried where, and give us the necessary biological information to ensure good documentation and conclusions are all getting older every year.*

*Soon, we will have lost all the context and all the people we need to help give a voice to the dead. Yet in years to come, children and grandchildren may be desperately searching for these dead. Graves are disappearing into the landscape, without eye witnesses having indicated and properly documented them. When the eye witnesses die, so does the possibility of knowing where and who the dead are.*

**NN:** You were at the recent Tsholotsho exhumation. How did it impact on families and the community? Was the Tsholotsho event linked in any way to the new thrust allowing for exhumations of Gukurahundi victims?

**SE:** *The exhumation, which was witnessed mostly by the family, local leadership and local community, was also attended by the NPRC, who spoke very positively about the exercise.*

*Ukuthula is deeply appreciative of the recognition by both the state and the NPRC of the urgent need to exhume and rebury.*

*Two families were involved in and observing the exhumation last week, and both were extremely positive and grateful, as were the local leadership who spoke out formally at the event.*

*The exhumation was not specifically linked to any recent pronouncements – we have known about this grave since 2007, and the families renewed their requests for exhumation earlier this year.*

*But, we sincerely hope that recent pronouncements will lead to further exhumations – and would urge the state to make it clear that only those who are fully trained in forensic anthropology should undertake these, to ensure the integrity and voice of the bones being maintained.*

**NN:** What is your reaction to the stance by local chiefs that exhumations without truth telling would compromise evidence of the mass killings?

**SE:** *Truth telling happens at micro and macro levels.*

*As I have previously noted, nothing opens the way for truth telling at the level of families and villages as powerfully as an exhumation, except possibly a reburial made possible by an exhumation and each exhumation cumulatively contributes to a bigger understanding of what happened – who died and how.*

*Truth is also about political truth, it is also about what happened between political groupings, armies and combatants, and how civilians became ruthlessly caught up in this – the chiefs are right, this truth also needs to be told, by all sides, and I sincerely hope it will be.*

*And where apologies are due, and where accountability is needed, others, in particular the chiefs, should be concerned about this happening.*

*The role of our team is to make sure that the voices of the dead are not lost or wilfully destroyed in all of this.*

**NN:** Do you think Zimbabwe has enough forensic experts to carry out the exhumations of the thousands buried in mass graves in Matabeleland and the Midlands? And given that some of the remains have become exposed or washed away by rains, will exhumations give a true picture of the extent of the killings?

**SE:** *Zimbabwe is in the unique situation of having a well-trained and expert team of forensic archaeologists and forensic anthropologists in the form of Ukuthula Trust.*

*As far as I am aware, Zimbabwe is the only country in sub-Saharan Africa, apart from South Africa, that has such a team.*

*There are of course individual forensic experts and archaeological experts across Africa doing such work, in academic institutions, police and other government departments.*

*It would be important for us to liaise with such experts, especially in Zimbabwe, and share skills, as we are among very few, if not the only, such non-governmental team on the continent, who combine forensic archaeology and forensic anthropology in one full-time team. Passing on skills is important for us all.*

*Of course, what we can do as one team is limited, but there are also many misconceptions about what exhumations accomplish in any context. For example, in no country ever, have exhumations been used to settle questions of how many died. Many people, possibly most, who died during the 1980s were in fact buried by their families in their chosen places. These are not in need of exhumation. On the other hand, there are indisputably many mass graves and single graves in the wrong places, such as in school yards, business centres, next to roads and railway lines.*

*We have previously exhumed from a school playing field, from a cattle dip, from the forests. Our team has principles, which are in keeping with international criteria, for when and where exhumations should occur. In the past we have always exhumed at the request of families and traditional leadership, and for purposes of recovery of historical memory and healing.*

*We are prepared to exhume also at the request of the state or the NPRC in the future, in adherence with our broader principles.*

*If there is a mass grave, we consider it unethical to exhume unless all families of those buried have been thoroughly consulted and all families agree on exhumation. If even one family does not, we believe that exhumation should not take place.*

*There are also, in our opinion, huge challenges in exhuming sites in which the identities of those buried are not known. What happens to such remains? Do they simply end up being reinterred in new sites or new mass graves, effectively remaining the angry dead?*

*What needs to be done in such instances, is extensive research prior to exhumation, to find eye witnesses – we have exhumed several individuals whose families thought they were disappeared, but on inquiry, we found eyewitnesses in neighbouring villages who knew exactly where these disappeared individuals were buried. So historical investigation is key, prior to exhumations of those who may be assumed to be unknown.*

*There are many families who have disappeared relatives and it is to be hoped they will turn out to be buried nearby, once research is done. Exhuming the unknown and thereafter taking DNA from bones, storing all this information digitally, setting up reference DNA from living relatives and pursuing matches is something we might aspire to, but would be very costly and consume a great deal of space and time.*

*Should such bones be reburied and then dug up again once a match is found, possibly years or decades later? Or should bones of the unknown be stored somewhere, until a match is found? The latter is done in Argentina, for example, and poses challenges in terms of space and security. It can be done, but it makes sense that the first focus has to be to conduct detailed research and find whose remains are where, prior to exhumation, wherever possible.*

*Of course, if unknown dead are buried where they should not be, such as in a school yard, or where a new road is scheduled to run, it is important that they are removed forensically and respectfully reburied. So there are many considerations in prioritising sites for exhumation. It is mostly likely, in our estimation of documenting this for many years, that those who are a top priority for exhumation probably number more in the hundreds, or in the very low thousands, for reasons given above.*

*The bones have waited a long time – while it is desirable that they are exhumed as soon as possible, it is even more desirable that they are exhumed expertly, maintaining the possibility of proper identification and return to the right families.*

*Our team stands ready to exhume in accordance with international best practice, at the pace that we can, while simultaneously maintaining this best practice. This is years of work, in my estimation, and should not be rushed, although it should be expedited. Our focus has always been on what families want, and this will remain at the centre of our work.*

**NN:** Some maintain that a considerable number were buried at Bhalagwe Camp. Where else are victims of Gukurahundi buried in mass graves?

**SE:** *I think this has been partially answered above. Human remains and mass graves lie in most districts of Matabeleland North and South, as well as some in mine shafts. I must add that while we know that scores at least died at Bhalagwe, if not more, we have very few actual names of who died there, which will make recovery and identification problematic. This is an area where we need more eye witnesses to come forward.*

**NN:** What advice would you give to the government before it undertakes the mass exhumation of Gukurahundi victims?

**SE:** *Bones have a right to be heard, and this should not be denied to them. This means that forensic anthropologists need to be included in exhumations. There are international minimum standards for exhumation that should be adhered to, to ensure that remains are not collected in a disorganised fashion, which is the equivalent of the hacking off of limbs of corpses.*

*Nobody with any ethical standards would ever hack up the dead and throw sundry limbs higgledy-piggledy into graves, minus their fingers and toes – skeletons deserve the same respect. They need to retain their bodily integrity during the process of exhumation. Above all, families and community leadership need to drive the processes of exhumation, with full consultation and opportunities to be heard.*

*Source: The Standard*

## 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/Reparations
Mr. Paul Themba Nyathi	Deputy Chairperson
Rev. Dr. Fradereck Chiromba	Promotion of Truth
Ms. Roselyn Hanzi	Justice and Accountability
Rev. Dr. Ray M o t s i	Memorialization
Ms. Memory Kachambwa	Gender
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