

# NPRCWATCH



NATIONAL  
TRANSITIONAL JUSTICE  
WORKING GROUP  
ZIMBABWE

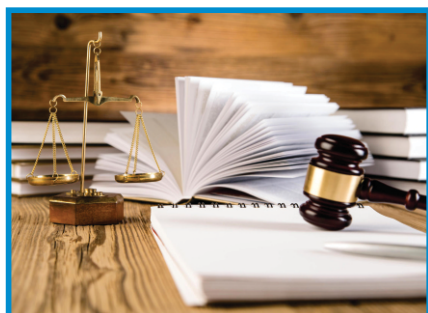
Follow all the Developments related to the NPRC

ANALYSIS | PROFILES | NEWS | RECOMMENDATIONS | PARTICIPATION

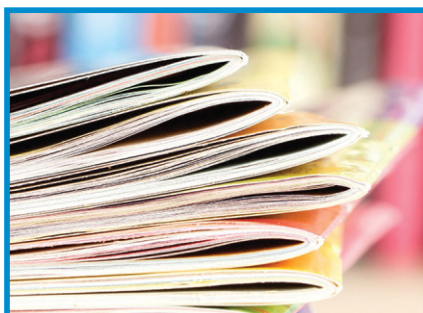
EDITION 9 | JULY - DECEMBER 2019



**SEE EDITORIAL INSIDE**



**INDEPENDENCE OF THE NPRC  
ON THE SPOTLIGHT**



**NPRC CALLED TO RELEASE  
REPORT**



**LEGAL FRAMEWORK GUIDING  
THE NPRC**



**NATIONAL  
TRANSITIONAL JUSTICE  
WORKING GROUP  
ZIMBABWE**

# NPRCWATCH

**Follow all the Developments related to the NPRC**

**ANALYSIS | PROFILES | NEWS | RECOMMENDATIONS | PARTICIPATION**

**EDITION 9: JULY – DECEMBER 2019**

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# INTRODUCTION

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The National Transitional Justice Working Group (NTJWG) is pleased to issue the 9th Edition of the NPRC Watch. Zimbabwe has continued to suffer serious challenges economically, politically and socially and these cannot be ignored. Crippling industrial action across the country by medical doctors and nurses in State medical facilities has caused a huge disaster in Zimbabwe's health sector. Prices of foodstuffs continue to rise by the day meaning that the health and nutrition status of many Zimbabweans especially children remains compromised.

Shortages of clean water among other public services means that people are exposed to more water-borne diseases and women especially have to endure long periods waiting to collect water from far off places, sometimes in the middle of the night. Because of the social beliefs that women and girl children should be the ones to carry out domestic chores, they lose valuable time that could be used for studying, or in other developmental enterprises that benefit them.

While all this has been happening, political tensions have continued to rise with numerous cases of State-perpetrated violence against opposition supporters and workers from different unions. The Association of Rural Teachers Union of Zimbabwe and the Hospital Doctors Association of Zimbabwe being the main ones facing the brunt in the third quarter of 2019. The government's stance has been that the Zimbabwe Republic Police beat up demonstrators as a matter of maintaining peace and order in the country, the NTJWG unreservedly condemns this stance and encourages lawful and proportionate means of maintaining the peace. While the NTJWG was adamant that the overthrow of the government by the military in November 2017 was unconstitutional, it initially seemed as if Zimbabwe had turned a new leaf and that politically motivated and State-sponsored violence had subsided. This, in no time, was disproved by the so-called "new dispensation" that had received a fair amount of goodwill, both domestically and internationally. Since the July 31, 2018, harmonized election, Zimbabwe has seen unparalleled levels of State-violence in recent times.

*On 6 September 2019, Zimbabwe's long-time ruler Robert Gabriel Mugabe passed on in Singapore. With mixed reactions to his passing, questions remain as to his legacy and what it means for the many victims of human rights violations under his reign, from Gukurahundi to the many epochs of State-sponsored and politically-motivated violence that he presided over. Questions remain as to what institutions such as the National Peace and Reconciliation Commission (NPRC) can do to heal and seek justice for the many victims of his violent and brutal rule.*

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Within the third quarter of 2019, Zimbabweans and many other Africans residing in South Africa were subject to xenophobic violence at the hands of some South African citizens in different townships. This situation only pointed to the need to resolve Zimbabwe's political impasse and economic woes so that her children can return to the country of their birth and not be forced to continue living in fear in foreign lands. For Zimbabwe and institutions such as the NPRC, to condemn the violence and do nothing more is not enough. What Zimbabwe needs is to reconcile with itself, have the State respecting the human rights of its citizens and begin to grow its economy in a manner that guarantees livelihoods for all its citizens.

In other areas, the NPRC continues to grow its programs reaching out to more people and more places across the country. This is important and welcome. What remains to be seen is the real impact of the NPRC on ordinary citizens through its interventions. The NTJWG is keen to see the NPRC implement its activities with clear goals on the production of evidence-based reports so that stakeholders and the rest of Zimbabwe can appreciate its work. The NTJWG continues to carry out its work through local and international advocacy efforts by spreading information on transitional justice, reconciliation, and healing. Economically and politically, the forecasts do not look well for Zimbabwe. A lot continues to go wrong especially with the politically motivated and state-sponsored violence. The churches, trade unions, the general populace and political parties continue to add their voices in trying to resolve the quagmire that Zimbabwe finds itself in. While this is happening the violence, corruption, wanton impunity, and brazen abuse of state resources by State officials continue unabated.

### ***This edition of the NPRC Watch discusses:***



1

*NPRC's work*

2

*It's legal set up*

3

*What the people  
have been saying  
about its work*

4

*Recommendations  
on what can be  
improved*

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To reflect on any of the issues raised in this edition,  
please write to us on: [info@ntjwg.org.zw](mailto:info@ntjwg.org.zw)



## THE NPRC: REPORTING OBLIGATIONS AND QUESTIONS OF INDEPENDENCE AND CREDIBILITY STATEMENT OF CURRENT TRANSITIONAL JUSTICE RELATED DEVELOPMENTS PRESS STATEMENT

This statement relates to a number of emerging transitional justice questions relating to the ongoing transitional justice processes. These concerns came from the regional consultative meetings convened by the NTJWG as well as quarterly briefings with the NPRC and general feedback from stakeholders.

### **Reporting: NPRC in Breach of the Constitution**

The NPRC became officially operational on 5 January 2018, following the promulgation of the National Peace and Reconciliation Commission Act (10:32). According to section 323 of the Constitution, the NPRC should present its annual report to Parliament describing in full its operations and activities no later than by the end of March of the year following the implementation of such activities. Accordingly, the NPRC's 2018 Annual Report became due on the last day of March 2019. This is both a Constitutional and a statutory obligation. Moreover, section 16(7) of the NPRC Act obliges the NPRC to further make public the Annual Report and any other reports expected to have been presented to Parliament within thirty days. This means that the NPRC has been in breach of the Constitution since 31 March 2019. While the

NPRC is an independent commission, independence does not mean non-accountability. A key part of ensuring that the NPRC remains accountable is through the public evaluation of its Annual Report, which should outline what activities have been carried out and how the Commission has made use of the public resources allocated to it. At a time when there is a public outcry for the thorough account of the government, it is important that institutions like independent commissions be seen to be above reproach. The NTJWG, therefore, urges the NPRC to urgently address this matter and immediately submit the outstanding report to Parliament in order to remedy the breach.

### **The Independence of the NPRC at Question**

The NPRC is encouraged to stand in defense of its credibility and independence. During the course of the year 2019, a number of processes have been undertaken which the NPRC has been part of. One such process is the initiatives around national dialogue. Just as the NPRC had started consultations with stakeholders on a framework for national dialogue, President Emmerson Mnangagwa launched the Political Actors Dialogue

(POLAD). The NPRC immediately stopped consultations and shifted its attention to POLAD. To a great extent, the POLAD has remained an exclusive space mainly for actors that find themselves in agreement with President Emmerson Mnangagwa's ZANU PF party to the exclusion of civil society and dissenting views. This is contrary to the *Guiding Principles, Virtues, and Values for a Credible National Dialogue* process published by the NTJWG, which calls for inclusivity.

A dialogue of only a few political actors cannot be called 'national dialogue' because it is not 'national'. The POLAD process has increasingly been viewed by many stakeholders as a partisan platform that does not embrace inclusivity and adopts political positions usually associated with the ruling party. The role of the NPRC in this platform has caused concern among stakeholders who have seen this as a serious assault on the independence of the NPRC, which is now forced to take positions with one side in a major political conflict that is in need of credible mediation. While it has been argued that the Chairperson of the NPRC may be acting in his personal capacity at POLAD, this remains unfortunate. The Chairperson of the NPRC has an obligation to act in a manner that does not compromise the integrity of his office, even in his private capacity. Consequently, the NTJWG encourages the NPRC to assert its independence and avoid acting in any manner that may create a perception that the Commission is an extension of the Office of the President.

## Conclusion

In the Code of Inclusion, the NTJWG noted that participation in national healing and reconciliation processes must be substantial and not based on mere tokenism. The NPRC must ensure that expediency does not come at the expense of the meaningful participation of all interested parties. There must be a clear demonstration by the NPRC of its willingness to engage and facilitate meaningful and effective participation. The NTJWG urges the NPRC to rise above partisan politics or positions only exclusive to a few powerful actors, and promote an inclusive conversation on key transitional justice processes, including questions of national dialogue and addressing perceptions relating to its independence. Failure to acknowledge and pursue these issues creates a real threat that the national healing processes in Zimbabwe may end up being captured by the few to the exclusion of the many. The NTJWG remains committed to supporting the NPRC in its work, including through frank and truthful conversations on areas where the commission is at risk of violating key principles and laws in the pursuit of its mandate.



President Mnangagwa receiving reports from POLAD conveners Retired Justice Selo Masole Nare (right) and Magarate Sangarwe during a POLAD executive plenary meeting in Harare on 13 March 2020  
Picture: Justin Mutenda

# NPRC TIMELINE

**4 JULY 2019**

Establishment of the multi-stakeholder Provincial Peace Committees in all the provinces.

**22 JULY 2019**

The NPRC rolled out the Women Safe Spaces and Wellness Program in Matabeleland North to ensure inclusive and transformative healing and reconciliation.



*Participants taking part in the NPRC Women Safe Spaces and Wellness Program in Tsholotsho, Matabeleland North*

**22 JULY 2019**

Commissioner Chiradza spelled out the NPRC strategy in an interview with the Herald. She stated that the strategy includes issues like exhumations and reburial of victims.

**7 - 10 AUGUST 2019**

The NPRC conducted a three-day induction workshop in Nyanga for its staff members to develop their capacity with regards to the mandate and strategy of the Commission.

**19 - 21 August 2019**

The NPRC, the Parliamentary Portfolio Committee on Justice and Legal Affairs and the Senate Thematic Committee on Human Rights had a joint workshop in Bulawayo on the mandate of the NPRC.



*NPRC Commissioners participating in the joint workshop with the Parliamentary Portfolio Committee on Justice and Legal Affairs and the Thematic Committee on Human Rights had a joint workshop on the mandate of the NPRC.*

## 25 SEPTEMBER 2019

The NPRC carried out an induction and orientation exercise for the Provincial Peace Committees.



*Deputy Chairpersons of the NPRC Provincial Peace Committees meeting with their Chairpersons who are Commissioners of the NPRC in Harare.*

## 23 AUGUST 2019

Following the recruitment of additional staff for the NPRC Secretariat, the NPRC old and new staff members underwent an upskilling workshop on complaints handling and investigations

## 7 OCTOBER 2019

The NPRC put out a media release dismissing claims in an article published by 'The Standard' newspaper alleging that the NPRC has been rocked by divisions with some Commissioners said to be unhappy over the government's lack of commitment in addressing past human rights abuses and conflicts which was evident from allocation of inadequate funds for to the NPRC for its operations.



#### Media Release

**Harare-** The National Peace and Reconciliation Commission (NPRC) would like to dismiss a story published by The Standard newspaper titled "Cracks emerge in the NPRC over funding" in its entirety. While the Commission understands that journalists have a right to do their work unhindered, we are appalled by the fact that the story insinuates that there could be divisions in the Commission by quoting unnamed sources.

The Commission believes that the media has a duty to write facts but in this case the paper tries to whip emotions by using Gukurahundi to spite the Commission. We have no doubt that the article is timed to cause unnecessary divisions within the Commission bordering in his fertile sense of imagination.

While like any other Chapter 12 commissions, the NPRC is also not well resourced but this has nothing to do with the political will of government. As a matter of fact Treasury allocated \$2,463million in the 2019 budget. In addition, \$5,870million was released in the supplementary budget of which \$4,5million was for the Commission to purchase vehicles. That cannot be construed as "sabotage by government" through underfunding.

The NPRC is worried by the unfounded reports which appear to be a hatchet job and we challenge the newspaper to dig deeper in order to inform the public responsibly. The sad reality is that this particular story has no relevance to what is actually happening within the Commission. While we respect the media for their being watchdogs of society it is important that journalists go an extra mile to get their facts right. As NPRC chairperson Rtd Justice Selo Maselo Nare confirmed the Commission is already in the field due to the availed resources.

We urge the public to dismiss The Standard article with the contempt it deserves as there is no iota of truth in it.

For the record, from October 16, the NPRC will kick-start the training of Provincial Peace Committee members across the country. Other programs that are going to happen are exhumations and burials of victims of past conflicts through-out Matabeleland region as the first phase of the healing and reconciliation program.

L. Chigwedere (Mrs)  
Deputy Chairperson

National Peace and Reconciliation Commission  
7/10/19

### *NPRC Media Release refuting allegations of division within the NPRC*

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#### **Introducing the Complaints Handling and Investigations (CHI) Thematic Department**

Complaints handling and Investigations is one of the five (5) thematic departments of the National Peace and Reconciliation Commission charged with the responsibility to:

- Receive and consider complaints from the public and to take such action in regard to the complaints as considers appropriate as enshrined in section 252 (f) of the Constitution
  - To conduct investigations into any dispute or conflict within the mandate of the Commission as set out in section 252 or as provided for by any other law
- The complaints that National Peace and Reconciliation Commission investigates are those human rights violations that result in the creation of conflicts or disputes or conflicts or disputes arising from human right violation.

Knowledge of the mandate of the NPRC as distinct from other institutions such as Zimbabwe Human Rights which investigates pure human rights violations and other statutory bodies such as ZRP which investigates criminal acts is especially important in that it prevents unconstitutional usurpation of function in violation of the 'separation of powers doctrine'.

In executing its mandate, the NPRC is guided by legislative framework and policies which are the following: the Constitution, the National Peace and Reconciliation Commission Act [Chapter 10:32], the National Peace and Reconciliation Commission Regulations S.I 90/18 and the National Peace and Reconciliation Commission Strategic Plan.

The legal framework confines one to the mandate and acts as a safeguard against one extending his or her dominion over others.

The Complaints Handling and Investigations has two separate and distinct components namely the complaints handling system and the investigations part. For ease of understanding the two components shall be dealt with separately and not conjointly.

In the next edition we shall endeavor to deal with the practical steps involved in the first stage of complaints handling system; i.e. who is eligible to lodge a complaint, how, when and where is a complaint lodged and the extent to which the law that governs law of evidence and procedure apply in the context of complaints handling and investigations and the legal implications thereof.

For further engagement contact:

Chairperson, CHI Department: Commissioner Rev C. Masunungure (cmasunungure@nprc.org.zw)  
Executive Secretary: S. Zembe (szebembe@nprc.org.zw)  
General Manager CHI Department: T. Sithole (tsithole@nprc.org.zw)

## 30 OCTOBER 2019

The NPRC introduced the Complaints Handling and Investigations Thematic Department which will be responsible for receiving, considering complaints from the public and conducting investigations into any dispute or conflict within the mandate of the NPRC. The NPRC also introduced its Committee on Prevention and Conflict Prevention, Management, Resolution and Transformation Department which is mandated to give policy guidance on conflict management, conflict prevention, conflict transformation and guarantee of non-recurrence.

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#### **Introducing the Committee on Prevention and CPMRT Department**

The National Peace and Reconciliation Commission operates on a committee based system.

There are four external committees whose membership is open to technocrats, opinion leaders and other key stakeholders who are not necessarily members of the Commission. One of the external committees is the Committee on Prevention and Non Recurrence. The Committee provides policy guidance on the following:

**Conflict management-** efforts that are made to avoid or avert the harmful effects of conflict and these vary depending on the nature and source of conflict and are anchored on the need to create a climate of mutual trust, consideration and respect for each other;

**Conflict prevention-** measures and actions aimed at reducing the risk of appearance or reappearance of violent confrontations within society. Some of the strategies include addressing structural sources or causes of conflict while also mitigating potential risk factors to conflict.

**Conflict transformation-** building of long term infrastructure for peace building by supporting the reconciliation potential of society, rebuilding destroyed relationships, with focus on reconciliation within society and the strengthening of society's peacebuilding potential.

**Guarantee of Non-Recurrence-** the process that seeks to make or recommend policy alternatives and institutional reforms capable of safeguarding peace within society; enhance capacities for long term prevention and shepherd the nation towards a peaceful future.

The Thematic Committee on Prevention and Non Recurrence is chaired by Commissioner Patience Chiradza and draws membership from political parties represented in the Parliament of Zimbabwe, civic society groups, women's organizations, youths, people with disabilities and faith based organizations among others. For ease of coordination and customization of peace and conflict issues, the Commission set up the Committees on Prevention and Non Recurrence for the Northern and Southern Regions. The Deputy Chairpersons are elected by members of the Committee to support the Chairperson. Mrs Musline Munodawafa, a senior lecturer at Women's University in Africa and Mrs Mildred Sandi of the Women's Coalition of Zimbabwe are Deputy Chairpersons for the Northern and Southern Region respectively.

The internal implementation department for the Thematic Committee on Prevention and Non-Recurrence policy directions is the Conflict Prevention, Management, Resolution and Transformation Department. The Department is headed by a General Manager, Mr Joseph Mashigaidze who provides secretarial support to the Thematic Committee's programs as well as spearheads the execution of conflict prevention, transformation and guarantee of non-recurrence programs.

*Our past needs not be our future  
Runyararo ibasa rako neni  
Ukuthula ngumlandu wakho lami*

For further engagement contact:

Chairperson, Committee on Prevention and Non Recurrence Commissioner PZ. Chiradza pzchiradza@nprc.org.zw  
Executive Secretary S. Zembe szebembe@nprc.org.zw  
General Manager CPMRT Department J. Mashigaidze jmashingaidze@nprc.org.zw

## 6 NOVEMBER 2019

The NPREC put out a press release outlining the procedure of making a complaint to the NPREC.

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### Complaints Handling and Investigations

In the last edition we dealt with the broad functions of Complaints Handling and Investigations as provided for in section 252(f) of the Constitution and section 3(2)(a) of the National Peace and Reconciliation Act [Chapter 10:32].

#### Manner of lodging complaints with the NPREC

Section 8(1) (2) of the NPREC Act as read with section 18(1) of the NPREC Regulations, SI 90/2018 provides that a complaint may be lodged with the Commission by four categories of persons namely:

- 1). any person directly or indirectly affected or suffered human rights violation
- 2). any group of people which has suffered human rights violation arising from a shared or common dispute or conflict
- 3). any person acting on behalf of any person or group of persons who are unable or incapable to lodge complaint
- 4). any person or group acting in the public interest

It is clear from the foregoing that rules of procedure and evidence are relaxed in as far as lodging of complaints is concerned. While substantive law disqualifies persons other than the complainant from lodging a complaint other than as such, the NPREC Act permits for instance even siblings of a direct victim to act as a complainant. The mischief that the legislature intended to cure is that most victims of human rights violations do not exist anymore but the nation nevertheless needs to heal so the only way to achieve this goal was through clothing indirect victims with legal powers to lodge complaints with the NPREC.

#### Where can a complaint be lodged

A complaint relating to human rights violation which create disputes or conflicts may be lodged at any office of the NPREC regardless of where the human rights violation occurred (s 18(4)). This was done to alleviate challenges associated with travelling by the public. The NPREC which is at set up stage has plans to decentralize so that it is easily accessible and for expeditious disposal of cases.

#### How is a complaint made

Not everyone can make a written complaint or call an institution in business hours. We live in a diverse community where people have different communication preferences and needs.

Section 8(1) of the NPREC Act as read with section 18(6) (b)-(d) of the NPREC Regulations provides that a complaint is lodged at a Commission office in either of the following ways/forms:

- a). in writing and handed in at a Commission office
- b). made orally to a Commission office or by telephone to an office
- c). sent to the office by post, tele-facsimile or e-mail
- d). complainant completes a complaint form online via the NPREC's website and transmits it electronically to the Commission.

*NPREC Media Release Outlining  
Complaints Making Procedure*

## 4 NOVEMBER 2019

The NPREC introduced the Research and Knowledge Management (RKM) Thematic Department to produce evidence-based research for informed policy and decision-making. The desired outcome of the thematic department's work is policy recommendations.

## 2 DECEMBER 2019

The NPREC introduced the Victim Support, Gender, and Diversity (VSGD) Thematic Department whose mandate is laid out in terms of section 9 of the NPREC Act.





## LEGAL FRAMEWORK GUIDING THE NPRC

- The Birth of the National Peace and Reconciliation Commission (NPRC)
- Contentions over the tenure of the NPRC
- Functions of the NPRC
- Powers of the NPRC
- Members of the NPRC
- Gender considerations in the NPRC
- The qualifications/profession of the Chairperson
- Accountability for the NPRC
- Independence of the NPRC
- Tenure of office for Commissioners
- Protection of victims and witnesses
- Appearance before the Commission and use of local languages
- Day-to-day management of the NPRC

# LEGAL FRAMEWORK

## GUIDING THE NPRC

### **The Birth of the National Peace and Reconciliation Commission (NPRC)**

Zimbabwe's 2013 Constitution provides for the setting up of the National Peace and Reconciliation Commission (NPRC) with a ten-year mandate. The NPRC was appointed in 2016, but could not immediately begin its work until the enabling law, the National Peace and Reconciliation Commission Act [Chapter 10:32] (No.11 of 2017) was signed by President Emmerson Mnangagwa on 5 January 2018. The full extent of the NPRC's term is still being debated in court, as detailed below.

### **Contentions over the tenure of the NPRC**

This issue of the NPRC's tenure has been quite contentious and does not seem to have been addressed. There are misunderstandings on whether the NPRC's tenure should be calculated from 2013 when the Constitution was promulgated, as the NPRC is a creation of the current Constitution. This would effectively mean that the tenure of the NPRC ends in 2023. Another argument is that since the Commissioners were only appointed by former President Robert Mugabe on 24 February 2016, it means that their tenure should be calculated from that time and the life of the NPRC should, therefore, end in 2026. Yet again, there is another argument that since the NPRC Act was gazetted on 5 January 2018, it leaves room for another interpretation of the tenure of the NPRC.

With regards, the same matter, earlier in March 2019, Zimbabwe Lawyers for Human Rights (ZLHR), a stakeholder of the NTJWG, was granted an order by Justice Mafusire sitting in the the High Court of Zimbabwe in

Masvingo which sought to give finalization to the issue of the tenure of the NPRC. The court ruled that the lifespan of the NPRC lapses in January 2028 and not in August 2023, given that the enabling legislation was promulgated in January 2018, effectively kick-starting the work of the NPRC. This landmark judgment marked a massive feat for transitional justice in Zimbabwe. This decision was however appealed by the government of Zimbabwe and the appeal was heard in the Supreme Court on 30 September 2019. Judgment is still pending. If this appeal is granted the judgment by Justice Mafusire will be overturned and consequently the lifespan of the NPRC will expire in 2023, five years after being operational.

*The National Peace and Reconciliation Commission Act [Chapter 10:32] (No.11 of 2017) was signed by President Emmerson Mnangagwa on 5 January 2018.*

# FUNCTIONS OF THE NPRC

The NPRC Act provides for the functions, powers, operations, and removal from office of the members of the NPRC, the manner of conducting investigations and staffing of the NPRC, among others. Section 252 (a – j) of the NPRC Act outlines the general functions of the NPRC. Among other functions; the NPRC seeks to:

- Ensure post-conflict justice, healing, and reconciliation;
- Develop and implement programs to promote national healing, unity, and cohesion in Zimbabwe and the peaceful resolution of disputes;
- Bring about national reconciliation by encouraging people to tell the truth about the past and facilitating the making of amends and the provision of justice;
- Develop procedures and institutions at a national level to facilitate dialogue among political parties, communities, organizations and other groups, to prevent conflicts and disputes arising in the future;
- Develop programs to ensure that persons subjected to persecution, torture and other forms of abuse receive rehabilitative treatment and support;
- Receive and consider complaints from the public and to take such action regarding the complaints as it considers appropriate;
- Develop mechanisms for early detection of areas of potential conflicts and disputes, and to take appropriate preventive measures;
- Do anything incidental to the prevention of conflict and the promotion of peace;
- conciliate and mediate disputes among communities, organizations, groups, and individuals; and
- Recommend legislation to ensure that assistance, including documentation, is rendered to persons affected by conflicts, pandemics or other circumstances.

## Powers of the NPRC

The NPRC has investigative powers under section 10 of the NPRC Act. For example, under section 10(1) (a) it has powers to subpoena any person to attend the Commission or to produce any documents in support of any investigations. The NPRC has not used these powers before.

The NPRC Act provides in section 10(4) that any person appearing before it can be represented by a legal practitioner at his or her own expense. This is problematic as legal aid and justice must be afforded to all that need it considering the implications that people will be giving evidence to it and some might be incriminating ultimately leading to their imprisonment. However, the NPRC Act in section 10 (5) provides that the NPRC can recommend to the Director of the Legal Aid Directorate, which is a government legal aid body that any person coming before it to give evidence be given legal aid.

Section 86 of the Constitution of Zimbabwe provides for limitations of rights and freedoms. Section 10(7) of the NPRC Act gives regard to this section and notes that the Minister responsible for national security may, at any stage during an investigation by the NPRC issue and lodge a certificate to the effect that the disclosure or documentation or class of evidence or documentation is in his or her opinion contrary to the public interests because it may prejudice the defense, external relations, internal security or economic interests of the state. This proscription is too wide and borders on paralyzing the work and independence of the Commission against section 235 (1a) of the Constitution which states that “*independent commissions are not subject to direction or control of anyone*”. Section 235(3) also states that “*no person may interfere with the functioning of independent Commissions*”, section 10(7) of the NPRC Act has the ancillary effect of negatively affecting the good intention of establishing the truth. If the Minister’s powers are left unchecked with regards to investigations it means the possibility of getting quality confessions and other revelations will be critically diminished as most information can then become classified easily.

## Members of the NPRC

The nine-member NPRC was appointed in 2016 and was first chaired by the late former Speaker of Parliament, Dr. Cyril Ndebele. The current Chairperson is Retired Justice Selo Masole Nare who was appointed by President Emmerson Mnangagwa on 20 February 2018. The Commissioners are:

Name	Gender	Position
Rtd Justice Selo Masole Nare	Male	Chairperson
Lilian Chigwedere	Female	Deputy Chairperson
Patience Chiradza	Female	Commissioner
Choice Ndoro	Female	Commissioner
Netty Musanhu	Female	Commissioner
Charles Masunungure	Male	Commissioner
Geoffrey Chada	Male	Commissioner
Leslie Ncube	Male	Commissioner
Godfrey Chekenyere	Male	Commissioner

## Gender Considerations in the NPRC

To cover the gender dynamics of the Commission, the First Schedule of the NPRC Act which relates to section 3(1) of the NPRC Act notes that *“the Vice-Chairperson shall be appointed provided that he or she shall be of a different sex from the Chairperson”*. Furthermore, whenever the office of the Chairperson falls vacant, the President shall fill the position within three months and for the Vice-Chairperson is three weeks.

The NPRC Act section 9 provides for gender equity in the implementation of the NPRC's programs in fulfillment of its mandate. It provides in sections a – l, for the NPRC to inter alia; establish a Gender Unit which should see to it that specific guidelines are developed into how the Commission carries out its work; the participation of women is enhanced, mainstreaming of gender imperatives into every aspect of the Commission's work; investigating the use of sexual crimes as a weapon during and after conflict; holding public and private hearing on the gendered nature of violence and marginalization; assessing the needs of gender-based violations as well make recommendations and ensuring that every report the Commission produces carries a specific chapter on gender. Moreover, it is noted in section 9(2) that for each and every unit, committee or body, there must be a dedicated gender focal person for the Commission's work.

## The Qualifications/Profession of the Chairperson

Whereas Section 251 (4) of the Constitution notes that “member of the NPRC must be chosen for their integrity and their knowledge and understanding of and experience in mediation, conciliation, conflict prevention”,

section 251 (2) of the Constitution demands that the Chairperson of the NPRC must be a person who has been qualified for at least seven years to practice as a legal practitioner in Zimbabwe. Concerning the expertise needed to carry out the role, it does not augur well to insist on the Chairperson being a legal practitioner. The law could have been left open so that the best-qualified candidate coming from any profession would have been selected. There are capable people from all sorts of backgrounds to carry the flag on matters of reconciliation, nation-building and transitional justice in Zimbabwe.

## Accountability for the NPRC

Section 253 of the Constitution allows the NPRC to produce and submit reports to Parliament, through the relevant Minister. The NPRC may submit reports to Parliament on particular matters relating to national peace and reconciliation which in the Commission's opinion, should be brought to the attention of Parliament. Under section 323 of the Constitution Commissions are required to report to Parliament annually. Section 323 provides that every Commission must submit to Parliament, through the responsible Minister, an annual report describing fully its operations and activities, the report is submitted not later than the end of March in the year following the year to which the report relates. Section 323(2) further provides that an Act of Parliament may require a Commission to submit further reports in addition to the annual report specified in subsection (1), and may prescribe the way in which such reports are to be submitted. Section 16 of the NPRC Act requires that the Commission present an annual report to Parliament. The Commission shall publish every report laid before Parliament thirty days after the Minister is expected to have laid such a report in

terms of the law.

## **Funding of the Commission**

Funding for the Commission comes from money that is guaranteed and appropriated by an Act of Parliament to cover salaries, allowances, and administrative expenses.

## **Independence of the NPRC**

Section 235 of the Constitution provides for the independence of the Commission and notes that the independence provided in section 235 of the Constitution will apply to the NPRC. The section further notes that independent Commissions are:

- a. Independent and are not subject to the direction or control of anyone;
- b. Must act in accordance with the Constitution; and
- c. Must exercise their functions without fear, favor or prejudice although they are accountable to Parliament for the efficient performance of their functions

## **Tenure of Office for Commissioners**

An important provision in the Constitution is with regards to the removal of commissioners from office which is found in section 237. This issue is provided in terms of section 237(2) and (3) as read with section 187 of the Constitution. The main reasons for dismissal are gross incompetence, gross misconduct and ineligibility for appointment to the Commission and this should arise mainly from becoming a member of a political party. The procedure to recall Commissioners is similar to the one used to remove judges from office and this should ensure their security.

## **Protection of Victims and Witnesses**

Section 10(13) of the NPRC Act guarantees the safety and protection of any witness before, during and after the hearing of any matter before it and other committees appointed by the Commission. Any person, who threatens, victimizes or without lawful cause, discourages or dissuades any person from testifying before the Commission or any Committees appointed by the Commission shall be guilty of an offense not exceeding 10 years or fine not exceeding level twelve.

## **Appearance before the Commission and use of local languages**

Section 12 of the NPRC Act describes who can appear before the Commission and provides that they can speak in any language that is officially recognized by the Constitution. This partly addresses concerns around issues of inclusion and removes language as a barrier for victims that may appear before the Commission however questions remain on whether the Commission itself provides its programs in the official languages. In the same vein, the Commission needs to ensure that people who do not speak any of the official languages can use the languages they are comfortable with before the Commission. An example of one group of such people would be people of Malawian or Zambian descent who came to Zimbabwe as migrant workers.

## **Day-to-day Management of the NPRC**

The Commission's day to day activities are run by a Secretariat headed by an Executive Secretary whose office is established by Part IV (15) of the NPRC Act.



## NPRC WORKPLAN AND OBLIGATIONS

- Accessibility of NPRC reports to the public
- Promptness of action by the NPRC
- No fees policy for victims
- Ease of communication through the use of local languages
- Reporting by the Commission
- The power to subpoena witnesses
- Binding force of the powers of the NPRC
- Pardoning powers
- Key bodies and institutions to be set-up through the NPRC Act
- NPRC External committees
- Commissioners and the committees they are overseeing
- Internal Committees to be established in the NPRC

# NPRC WORKPLAN AND OBLIGATIONS

The NPRC is mandated by the law to carry out several functions to fulfill its mandate and serve the people of Zimbabwe. These mandates are provided for in the NPRC Act and the NPRC's Five Strategic Guidelines. Some of the obligations and mandates are outlined and discussed below:

## **Accessibility of NPRC Reports to the Public**

Section 16(8) "... subject to 10(6), notes that *"the Commission shall ensure that the information pertaining to the Commission's business becomes accessible to the public eighteen months after the year to which the information relates"*. The NTJWG observes that the period of eighteen months is overly long and unjustified. It has the potential to limit access to information rights of citizens and other stakeholders who might be interested in acquiring such information.

## **Promptness of Action by the NPRC**

Section 7 of the NPRC Regulations stipulates that, *"anything that is required to be done under the regulations shall be done without undue delay."* As a corollary to the point of promptness noted above, Section 8 provides for a Complaints Register to be established by the NPRC and that the NPRC is obliged (Section 20) to acknowledge receipt of complaints at least by 7 days only. There is a caveat to this though in Section 21(6) as the NPRC may choose not to receive complaints and it is not essential to record all complaints. However, the NPRC Act has to report on why they turned it down. It is important as noted in Section 22 that if there are any appeals to the rejected complaints that they are noted as well.

## **No Fees Policy for Victims**

Section 8 of the NPRC Regulations provides that the Commission shall not charge any fees for any of its work. This is further strengthened by the provisions made in Section 10 under the headline: Handling of Victims. Section 10 (c) of the same Regulations notes that the handling of victims shall be conducted in accordance with the following principles: *expeditious, fair, inexpensive and accessible*.

## **Ease of Communication through the use of Local Languages**

Section 10(f) of the NPRC Regulations acknowledges that Zimbabwe is a nation of diverse

peoples and thus different languages are used. To ensure that all sectors of the population are heard, the issue of the use of different languages that victims are comfortable in is emphasized.

### **Reporting by the Commission**

The mandate given to the NPRC is clear. Section 12 Part III – Complaints Management 7 (1) confirms the position that the NPRC shall receive, assess and where feasible resolve complaints from individuals and groups who have suffered human rights violations. Thus, there can be no doubt as to the mandate of the Commission when victims approach the body seeking to report their cases of past human rights violations.

### **The power to Subpoena Witnesses**

S (33) refers to this matter acknowledging that there are instances where the NPRC will face challenges with witnesses who might not want to cooperate with the body. In this instance, the NPRC has been given legal powers to subpoena but only as a last resort (Part IV).

S 40(1) of the NPRC Regulations provide for the protection of witnesses and victims. One of the ways this will be done by the NPRC is through public or private hearings. It is not clear though whether the NPRC can go outside Zimbabwe to collect evidence from Zimbabweans. Part VI S (47) (3) and S (36) provides for closed hearings noting that it is possible to hold such under the situation listed below:

- If in the interests of justice;
- Harm may visit the witness;
- Child and Victim of sexual violence.

### **Binding force of the powers of the NPRC**

The NPRC has a wide mandate and Section 53 (1) in Part VII of the NPRC Regulations entitled Mediation and Conciliation of Disputes notes that the NPRC may facilitate mediation or conciliation of any dispute or conflict falling within its legal mandate. Any agreement of mediation if approved by the NPRC is a binding agreement and can be enforced by a court of law and be published within 7 days of the Commission's approval of the agreement.

### **Pardoning Powers**

Part IX of the NPRC Regulations – this is aimed at promoting justice and reconciliation. For the pardons applications – the public has a right to respond. Through Section 81 of the NPRC Regulations – all hearings dealing with applicants for pardons or leniency shall be open to the public and media. In addition, the regulations note that the applications for pardons and leniency are published on the website subject to information control.

## Key Bodies and Institutions to be Set-up Through the NPRC Act

The bodies listed below will be mainly responsible for carrying out most of the activities outlined under the NPRC Act and being given full programmatic direction by the NPRC Act:

### NPRC External Committees

- Conflict prevention, Management, Resolution and Transformation Thematic Committee;
- Research and Knowledge Management Thematic Committee;
- Victim Support, Gender and Diversity Thematic Committee; and
- Healing, Reconciliation and Rehabilitation Thematic Committee.

These serve as multi-stakeholder platforms for the Commission providing advisory support to the NPRC in accordance to the Act and Regulations.

### Commissioners and the Committees they are Overseeing

Name	Committee
Commissioner Patience Chiradza	Conflict Prevention and Non-Recurrence; Healing and Reconciliation.
Commissioner Choice Ngoro	Research and Knowledge Management.
To be advised	Victim Support, Gender and Diversity.
Commissioner Leslie Ncube	Healing, Reconciliation and Rehabilitation.

### The Commissioners can be contacted on

Tel: +263 242 792676-9, 792469, 792390, 791757.

### Internal Committees to be established in the NPRC

1. Complaints Handling and Investigations;
2. Resource Mobilisation and Partnerships; and the
3. Finance, Human Resources and Administration Committee

These play a supportive role to the Secretariat on issues of complaints handling, finance and administration and resource mobilisation.



## STAKEHOLDER EXPECTATIONS

- Expectations of Stakeholders
- Justice and accountability
- Memorialization
- Reparations
- Promotion of Truth
- Need for genuine independence and cooperation
- Institutional Reform

# STAKEHOLDER EXPECTATIONS

## Expectations of Stakeholders as Documented in Various Platforms including Guiding Principles Published by the NTJWG

In September 2015, 48 organizations representing various transitional justice actors participated in a Conference that came up with the '*Guiding Principles for Transitional Justice in Zimbabwe.*' The Conference was structured along six transitional justice themes: Institutional Reform, Reparations, Truth Telling, Gender, Justice, and Accountability as well as Memorialization. These transitional justice themes can be summarized as follows:

### Justice and Accountability

#### (i) Criminal Prosecutions

Initiatives must be underwritten by political commitment as well as clear processes on how to attend to all victims and the protection of witnesses among other issues.

#### (ii) Amnesties

These initiatives must not end up benefiting perpetrators instead of the victims and the amnesties must be judicially sanctioned.

#### (iii) Universal Jurisdiction

Extraditions for perpetrators should be sanctioned as well as ensuring that international crimes are prosecuted.

#### (iv) Restorative Justice

Victims should be restored and communities need to be consulted.

#### (v) Command Responsibility

This issue must be addressed to deal with perpetrators.

#### (vi) Language

The language of violence must be demystified so that they are understandable by victims and perpetrators.

#### (vii) Memorialization

This must form part of remembrance initiatives.

### Memorialization

#### (i) Purpose Related Principles

Memorialization initiatives must be treated as a tool for the building of a collective memory as well as the development of peoples' identities after conflict.

#### (ii) Process Related Principles

Local communities and stakeholders must be involved from conception, design, development, and implementation of the memorialization initiatives.

- The best interests of victims must take

priority.

- Gender principles must be incorporated into reparations programs. The role of women in the community in advancing transitional justice and healing processes must be acknowledged.

## Reparations

(i) The victim must be restored to their prior situation. The reparations must also compensate for all the consequences of the violation and indemnification for material and non-material damages including emotional harm.

(ii) The primary responsibility for reparations lies with the state.

(iii) The rules of evidence in reparations claims must be relaxed in favor of victims.

(iv) Victims should be treated with humanity and respect for their dignity and human rights.

## Promotion of Truth

### (i) Human Rights-based

Truth-seeking initiatives in transitional justice must be grounded in universal norms of human dignity such as the right to know and the right to a speedy remedy or access to justice.

### (ii) Victim Centered

Initiatives must be centered on victims and their effective participation.

## Need for genuine independence and cooperation

### Cooperation

There must be cooperation between non-state and state actors.

## Institutional Reform

### (i) Vetting

Public employees found guilty of human rights violations must be purged from the public service.

### (ii) Oversight

Oversight bodies must be established to maintain a check on institutions that may have a bearing on the employment of rights.

(iii) Structural and Legal reform

(iv) Security Sector Reform

(v) Disarmament, Demobilization and Reintegration Strategies

(vi) Demilitarization

(vii) Asset recovery

To know more about the NTJWG transitional justice principles you can access the complete document that can be accessed through this link:

<http://www.ntjwg.org.zw/downloads/Guiding%20Principles%20for%20TJ%20in%20Zim.pdf>



## FEEDBACK FROM STAKEHOLDERS

- Assessment of Interventions
- A summarized version of the roles of the PPCs
- Comments on the NPRC Strategy and Gukurahundi Exhumations
- Recommended Remedies

# FEEDBACK FROM STAKEHOLDERS

## **Assessment of Interventions including Feedback from Stakeholders and other Transitional Justice Experts**

### **19 July 2019:**

Mr. Dzikamai Bere, the Programs Coordinator for the NTJWG Secretariat, congratulates the NPRC for its work, but condemns the lack of clarity on the part of political leaders and says there should not be any doubt in pursuing national peace and reconciliation.

## **July 2019: Heal Zimbabwe Trust (HZN) comments on the establishment of the Provincial Peace Committees in its Focus on Peace Building Issue 1/2019:**

The NPRC established Provincial Peace Committees (PPC) across Zimbabwe's ten provinces to complement its work between May and June 2019. The PPCs are composed of between 25 – 30 members drawn from a wide range of stakeholders including youth, women, civil society, local police, security, traditional leaders and religious organizations from the respective Province. Each Committee is led by a Chairperson who is selected from the current Commissioners of the NPRC. The Deputy Chairperson is elected from the members of the PPC. Heal Zimbabwe Trust in its commentary calls for a full publication of the names of the members of these PPCs to ensure accountability and trust.

The plan for the PPCs is to have quarterly meetings. The duties of the PPCs will include undertaking some of the roles of the NPRC albeit at a localized level.

### **A Summarized Version of the Roles of the PPCs is as follows:**

- To promote peace within the Provinces;
- To facilitate safe spaces for dialogue between groups and communities;
- Promote tolerance building as well as early warning mechanisms;
- Engage in public education, sensitization and awareness about the conflict in communities and
- Respond to conflict matters raised in communities.

Heal Zimbabwe Trust listed several weaknesses that are inherent in the structure of the PPCs and the NTJWG is hopeful that the NPRC will heed these calls and improve on the gaps raised by the HZT. The key among issues of concern is the need to ensure that perpetrators do not form part of the PPCs membership as this compromises security and confidence in the process. Secondly, HZT noted that the selection of high-profile people in the PPCs might lead to community members not feeling comfortable in discussions and thus stifle discussions and open communication for fear of reprisals and authority. HZT also noted that there is no clear representation of victims' voices and that is problematic.

However, the HZT also pointed out that there is potential for opportunities to be harnessed especially around the use of traditional justice systems in resolving conflicts as well as improving on context-specific dialogue in resolving community conflicts.

### Comments on the NPRC Strategy and Gukurahundi Exhumations

One of the key protagonists of justice for *Gukurahundi* victims is human rights lawyer, *Siphosami Malunga*, son of Zimbabwe's liberation war hero Sidney Malunga as well as the current Director of the Open Society Institute for Southern Africa. He has commented severally about the process of exhumations of shallow and mass graves in Matabeleland. One of the key arguments he makes is that for the mass graves in Matabeleland, the NPRC and the government of Zimbabwe must not rush in to exhume them as they are literally and technically crime scenes that must be preserved or attended to in a manner that is investigative and seeks to find out more information. Any haphazard digging and excavation would taint the crime scenes and bury the evidence needed to prosecute or find justice for the survivors of the Gukurahundi massacres.



*Gukurahundi Plaque erected by Ibetshu Likazulu in remembrance of Gukurahundi Victims in Matabeleland*

*Heal Zimbabwe Trust listed several weaknesses that are inherent in the structure of the PPCs and the NTJWG is hopeful that the NPRC will heed these calls and improve on the gaps raised by the HZT.*

## Recommended Remedies

- To continue to carry out solid investigations into the human rights violations reports presented to them by victims, survivors and human rights organizations
- The National Peace and Reconciliation Commission needs to be adequately funded so that it can carry out its mandate with effectiveness.
- To keep the nation updated on their successes and challenges in the implementation of its mandate.
- To be impartial in the investigation of alleged human rights violations by the police, CIO and the Zimbabwe National Army.
- To carry out proper research on the needs of victims and survivor's vis a vis issues such as rehabilitation, medical attention, compensation, restoration of livelihoods and the management of post-traumatic stress disorders.
- The NPRC needs to devote more time and focus to economic rights violations especially for pensioners and those who have lost their hard-earned funds in banks that have since collapsed or continue to operate without having compensated citizens for monies lost in the past. One example would be for the NPRC to unravel the issue of the Pensions Conversion Commission whose report was not thoroughly discussed in parliament.



## **BRIEF SURVEY OF OTHER TRANSITIONAL JUSTICE INITIATIVES**

### **OFFICIAL AND NON - OFFICIAL**

- Appeal to Extension of the Lifespan of the NPRC
- 9 July 2019: Ukuthula Trust hosted a workshop in Bulawayo
- 11 July 2019: The Masakhaneni Trust hosted an advocacy awareness conference
- 19 July 2019: The NTJWG hosted a radio program on Star-FM
- 21 July 2019: In commemoration of the Mandela Day
- 14 August 2019: Under the banner of the Church Convergence
- 29 August 2019: The NTJWG hosted an Annual Stakeholders' Conference
- 30 August 2019: The NTJWG undertook a capacity-building workshop

**READ MORE**

# BRIEF SURVEY OF OTHER TRANSITIONAL JUSTICE INITIATIVES OFFICIAL AND NON – OFFICIAL

## Appeal to Extension of the Lifespan of the NPRC

In March 2019, Zimbabwe Lawyers for Human Rights were granted an order by the High Court of Zimbabwe extending the lifespan of the NPRC. The judgment was set to see the lifespan of the NPRC lapsing in January 2028 and not August 2023 as it was initially supposed to. This landmark judgment marked a massive feat for transitional justice in Zimbabwe.

This decision was however appealed by the government of Zimbabwe and the appeal was heard in the Supreme Court on 30 September 2019. If this appeal is successful the lifespan of the NPRC will come to an end in 2023 with the NPRC having been operational for only five years. The NTJWG anxiously awaits the finalization of this matter.

### 9 July 2019

Ukuthula Trust hosted a workshop in Bulawayo working with Gukurahundi victims to unpack ethics of handling Gukurahundi trauma survivors, covering issues such as sexual violence in conflict, children of conflict and the need for post-conflict counseling and rehabilitation. The outcomes of the event were the identification of problems encountered by Gukurahundi victims, the solutions to the problems and the creation of a platform for victims to share their issues and developed the capacity of participants to co-create the way forward.

### 11 July 2019

The Masakhaneni Trust hosted an advocacy awareness conference on promoting safe education spaces for the rural girl child in light of the vulnerability of young schoolgirls in Matebeleland. The event was attended by CSOs, FBOs, traditional leaders, government and local government officials. The workshop interrogated the importance of advocacy in protecting the girl child, developed the capacity of participants in responding to challenges faced by the girl child in the Matebeleland region and provided useful tools for effective advocacy.



*Participants taking part in the Masakhaneni Projects Trust conference on Promotion of Safe Education Spaces for the Rural Girl Child in Matabeleland.*



*Participants at the advocacy and awareness conference hosted by Masakhaneni Trust*

## 19 July 2019

The NTJWG hosted a radio program on Star-FM entitled ‘*The Role of Leadership in National Healing and Reconciliation Processes*’ to explore the role of leadership in facilitating and catalyzing reconciliation and healing processes, provide a platform for key transitional justice actors to extract lessons on leading transitional justice in other jurisdictions and to generate a practice note for Zimbabwe’s leadership in efforts at building informed political will in transitional justice processes. The panelists were Mr. Dzikamai Bere, NPRC Commissioner Patience Chiradza who were in the studio and joined by Dr. Fani Du Toit from South Africa and Ms. Paula Gaviria from Colombia who

called in. To listen to the radio program you can visit:

<https://soundcloud.com/ntjwgzimbabwe/the-mandela-legacy-leaderships-healing-mandate-radio-programme-on-19-july-2019/>

## 21 July 2019

In commemoration of the Mandela Day, the NTJWG joined the rest of the world in commemorating the legacy of 'Madiba' and published a press statement entitled 'Call for an Inclusive, Transformative and Problem-solving National Dialogue on 21 July 2019'. Drawing on the contributions by Nelson Mandela, the NTJWG encouraged Zimbabweans to enter into dialogue about difficulties facing the country to address the challenges Zimbabweans face today. To read this statement you may visit <https://www.ntjwg.org.zw/wp-content/uploads/2020/03/Statement-on-Mandela-Day.pdf>

## 14 August 2019

Under the banner of the Church Convergence, churches through their mother bodies such as the Zimbabwe Council of Churches, Zimbabwe Christian Alliance, Zimbabwe Divine Destiny, Evangelical Fellowship of Zimbabwe met at Regency Hotel in Gweru to pray for peace in Zimbabwe, to discuss unresolved transitional issues such as Gukurahundi, land issues, natural resources governance and how they can be resolved through an inclusive dialogue.

## 21 August 2019

The NTJWG hosted an Annual Stakeholders' Conference at Cresta Lodge, Harare which was attended by 71 participants from the civil society and church leaders who formed the NTJWG and participate in its activities. Issues such as the strategy, vacant positions, and representation of survivors in the Working Group were discussed.



*Preparations for the 2019 NTJWG Annual Stakeholders Conference*

### 30 August 2019

The NTJWG convened a workshop to train representatives of survivors to become focal points in Bulawayo, Matebeleland (North and South), Mashonaland (East and West), Manicaland, Masvingo and Midlands on how to utilize the training manual to know and participate in the work of the NPRC. This process will allow citizens to be active participants in the work of the NPRC, and to contribute, through the NTJWG, the NPRC's interventions by ensuring that they are victim-centered.

### 30 August 2019

The NTJWG undertook a capacity-building workshop for twenty-four survivors selected from ten provinces in Zimbabwe. Survivors were trained in sensitization and awareness-raising around the work of the NPRC which they are now expected to disseminate at community levels. This process will also feed into the NPRC monitoring and evaluation work of the NTJWG.



*Survivors training on the mandate of the NPRC in Harare, Zimbabwe held on 30 August 2019*

### 20 September 2019

Stakeholders in the NTJWG Survivor Support Group met to discuss a monitoring framework in Harare.

### 24 September 2019

The NTJWG convened a community dialogue to educate survivors on the mandate of the NPRC with survivors based in Nyanga North, Ward bringing together 35 participants (20 males and 15 were females). The NTJWG aimed to capacitate survivors so they can be able to effectively engage with the NPRC when it visits their community.

## 27 September 2019

The NTJWG convened a community dialogue on the mandate of the NPRC with survivors based in Tsholotsho, Ward 15 bringing together 31 participants. 11 were males and 20 were females. This community dialogue was done with the aim of capacitating survivors to be able to effectively engage with the NPRC when it visits their community.

## 1 October-15 November 2019

The NTJWG carried-out regional process monitoring meetings in Harare, Bulawayo, Mutare and Gweru which brought together 63 individuals representing the NTJWG's stakeholders. During the meetings, a preliminary stakeholder mapping exercise was done to see who is doing what and where and give stakeholders a platform to discuss their operating context. During the meetings, participants expressed concern over the rapidly shrinking civil space in Zimbabwe and the apparent fear in communities that are sparked by talk of past violations. They, however, pointed out that there seems to be scope for working with the NPRC whenever its programs are in line with their programming. They commented that this could only be possible if the NPRC was willing to share its work plan to enable proper planning.



*Participants during the Harare Regional Process Monitoring Meeting*

## 28 October 2019

The NTJWG Archival Reference Group had a meeting at Holiday Inn Harare. The meeting was attended by a total of fifteen participants representing Grace to Heal, CIVNET, Media Monitors, Zimbabwe Peace Project, CCJP, Gweru Residents Forum, Tell

Zimbabwe, RAU and the Secretariat of the Working Group. The meeting sought to discuss the progress made on the NTJWG archival project which is meant to create a repository of information on past human rights violations in Zimbabwe so that these will be forgotten as part of Zimbabwe's history.

### **14 November 2019**

The NTJWG convened a community dialogue on the mandate of the NPRC with survivors based in Magalas, Zvishavane bringing together 24 participants. 10 were males and 14 were females.

### **26 November 2019**

The NTJWG convened a community dialogue on the mandate of the NPRC with survivors based in Gwindigwi BC, Ward 9, Marange bringing together 61 participants. 22 were males and 39 were females.

### **27 November 2019**

The NTJWG convened a community dialogue on the mandate of the NPRC with survivors based in Thorn-wood Ward, Gwanda bringing together 45 participants. 17 were males and 28 were females.

### **28 November 2019**

The NTJWG convened a community dialogue on the mandate of the NPRC with survivors based in Nyika, Ward 13, Bikita bringing together 50 participants. 20 were males and 30 were females.

### **28 November 2019**

The NTJWG convened a community dialogue on the mandate of the NPRC with survivors based in Nyamaropa, Ward 12, Nyanga bringing together 70 participants. 33 were males and 37 were females.

### **5 December 2019**

The NTJWG convened a community dialogue on the mandate of the NPRC with survivors based in Murehwa, Ward 1 bringing together 43 participants. 23 were males and 20 were females.



*A picture showing the community dialogue convened in Tsholotsho*

# TRANSITIONAL JUSTICE

## POLICY REFLECTION

The NPRC Watch Report for July to December 2019 highlights the legal framework that sets-up the National Peace and Reconciliation Commission (NPRC) in Zimbabwe. It discusses the different clauses, their positive aspects as well as weaknesses that seemingly disenfranchise Zimbabweans especially victims of past human rights violations perpetrated by the state or from individuals linked politically to different entities. The document outlines the legal obligations as well as the expectations of different stakeholders in the country and outside.

The NTJWG is pleased to note that the NPRC and its Commissioners continue to push right across the country for work on reconciliation, peace building and the resolution of conflicts. While this work continues it is however imperative that the NPRC realizes that more work needs to be done. The NTJWG notes that some of the work that needs to be carried is not comfortable and does not necessarily sit well with government officials especially the current government that has been accused on various occasions of being complicit in human rights violations currently and in the past.

The NTJWG does not believe in confrontational politics or actions to resolve disputes but strongly believes that where necessary the NPRC will have to condemn, call out and stand with the people of Zimbabwe where their human rights are being infringed on. Condemning the xenophobic attacks in South Africa without condemning the drivers of conflict that lead thousands of Zimbabweans to be in South Africa is not enough.

The NPRC has also launched the Provincial Peace

Committees and they have started working across Zimbabwe. More work needs to be done to ensure the efficacy of these structures and one clear thing is that the bodies need to be victim-centered than anything else. The prevalence of strong men in powerful positions in the PPCs is an issue that needs to be dealt with as a matter of urgency by the NPRC in consultation with stakeholders.

The NPRC continues to deal with the gendered dynamics of conflict in Zimbabwe in different and interesting ways. The NTJWG commends the NPRC for its work in this area and calls for more efforts and resources to be invested to ensure that evidence is preserved properly and that investigations are done thoroughly to ensure criminal prosecutions can be secured when the time for justice comes. The issue of the tenure of the NPRC continues to rage. The NTJWG calls upon the Government of Zimbabwe to do the right by respecting the Constitution of Zimbabwe as well as ensuring that if and when the NPRC's lifespan is extended there is a renewal of the Commissioners to include individuals of the highest repute and those who can also represent the views of the people of Matabeleland who were massacred in Matabeleland between 1983 – 9185.

The NTJWG continues to carry out its work in research, local and international advocacy through print media, radio, and television. The body has been reconstituted with new members have come on board. An international Advisory Board has been added on to the structure of the Board and will carry on the work of the NTJWG internationally.

## 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
Dr. Frances Lovemore	Reparations and Rehabilitation Thematic Leader
Mr. Anthony Reeler	Institutional Reform Thematic Leader
Ms. Samukeliso Khumalo	Gender Independent Expert
Mr. Otto Saki	Independent Expert

### Secretariat

Zimbabwe Human Rights NGO Forum	
Dr Musa Kika	Programs Coordinator
Ms Portia Kurima	NTJWG Coordinator
Mr Tendaishe Tlou	Transitional Justice Specialist
Ms Farirai Sibanda	Transitional Justice Associate

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