



**NATIONAL
TRANSITIONAL JUSTICE
WORKING GROUP
ZIMBABWE**

Survivor Support Group Reflective Meeting 20 September, 2019 Counselling Services Boardroom, Harare

Introduction

Since March 2018, the NTJWG has worked on implementing the resolution of stakeholders from the 2013 International Conference on Transitional Justice in Zimbabwe. Following several consultative meetings, a decision was made for the establishment of a Survivors Support Group to allow stakeholders to effectively deal with issues related to survivors.

Having fully implemented the resolutions of the stakeholders, NTJWG then invited members of the Survivors' Support Group (SSG) to a reflective meeting on the 20th of September 2019. This meeting was conducted with the view of allowing SSG members to review the Monitoring Framework, make necessary changes and adopt it as a substantive document that can be distributed in communities. Furthermore, members of the SSG were expected to interrogate the mapping strategy and tools that the NTJWG intends to use during the survivors' mapping exercise. Finally, the SSG was expected to implement the action points which emanated from the recently ended Stakeholders' conference which was convened on 29 August 2019 to elect the thematic leader on reparations and rehabilitation that will seat in the next quarterly meeting of the NTJWG.

Participants' Profile

The meeting was attended by fifteen people. The participants represented the Secretariat of the NTJWG, Counselling Services Unit, Grace to Heal, Ukuthula Trust, Tree of Life, Heal Zimbabwe Trust and representatives of survivors.

Objectives of the Meeting

The objectives of the reflective meeting were:

- a. To provide the SSG a final opportunity to look at the monitoring framework and make the necessary changes before final adoptions and printing;
- b. To interrogate the mapping strategy and tools that the NTJWG intends to use during the survivors' mapping exercise; and
- c. To elect the thematic leader on reparations and rehabilitation.

Opening Remarks and Overview of Program

The opening remarks were given by Mr. Dzikamai Bere. During his opening remarks, he spoke about the NTJWG strategy for 2019 to 2022 which was adopted at the NTJWG Stakeholders Conference on the 29th of August 2019. The opening remarks were focused on the four strategic priorities of the NTJWG strategy which are coordination, influencing policy implementation, knowledge and monitoring. It was said that a survivor engagement strategy mainly falls under the priority of policy influencing.

Review of the Monitoring Framework

This discussion was led by Counselling Services Unit, to begin with, it was noted that most people were unfamiliar with the document highlighting the monitoring framework as such it was necessary to go through it first. It was said that the aim of reviewing the document was to assess if it answers the questions that must be answered regarding the NPRC. The Facilitator highlighted that in assessing the usefulness of the framework the meeting was supposed to bear two questions in mind being:

1. Who must do the monitoring?
2. Why must they monitor?

It was highlighted that the document starts with a definition of terms to help in understanding the key terms in the document. It also goes on to discuss the constitutional mandate of the NPRC and speaks to the aspect of the NPRC being victim-centered and doing no harm to victims. The facilitator highlighted that the indicators that have been developed for the monitoring framework were developed under the SMART principles such that they are specific, measurable, attainable, relevant and timely.

It was said that the main issue that comes out from the monitoring framework is that there are many different ways in which the NPRC can be monitored. The first that was discussed was the constitutional mandate which includes ten aspects. The facilitator said that the aim was to monitor if the NPRC is carrying out all those ten functions that are enshrined in the Constitution. It was noted that there were no indicators of success highlighted in the monitoring framework and as such, it was the responsibility of the SSG to formulate those indicators. The facilitator said that the second aspect that can be monitored is the NPRC's internal committees and its operations. The internal committees include the investigations committee, committee on victim and witness support, healing and reconciliation committee, pardons committee and a prevention and non-recurrence committee.

It was noted that there was a need for the SSG to formulate indicators for the internal committees as well. Apart from these, it was said that the NPRC has operational units such as the complaints management unit, investigations unit, and the dispute resolution unit. The facilitator highlighted that the functioning of the NPRC has thus far been ad hoc and as such some parts of its operations are more developed than others, for example, the operational units are more functional than the internal committee. She then said that this helped in terms of developing indicators for the operational units. Under the complaints management unit, the indicators developed are:

- Number of toll-free numbers set up;

- Social media pages set up;
- Number of cases received

Under the investigations unit the indicators are:

- Number of public hearings conducted.
- Private and public media reports.
- Recommendations transmitted to the Commission and the President.

The Facilitator informed the meeting that the dispute resolution committee has not been set up yet. She went on to say that the NPRC has also set up external thematic committees consisting of members of civil society who are expected to play an advisory role to the Commission. It was said that this aspect could also be added to the Monitoring Framework as a way to gauge how the Commission is working particularly how it is engaging with civil society.

Participants wanted to know the extent to which the NTJWG interacted with the NPRC in developing the monitoring framework document and they were told that there was not much information received from the NPRC regarding the document. The meeting was advised that the NTJWG Secretariat had reached out to the NPRC regarding the latest NPRC Watch and had been told that a media specialist had been appointed who would be able to assist with any issues arising. However, upon reaching out to the said media specialist he indicated that he had not yet assumed the responsibilities as there were still some pending issues to be sorted out. It was then suggested that there was a need to monitor the actual establishment of the NPRC before delving into monitoring of the NPRC's activities. It was pointed out that regular updates from the NPRC would be necessary for the monitoring process.

The Facilitator commented that the NPRC is charged by law the responsibility to give updates through an annual report which despite the NTJWG's best efforts still has not been done. In answering the question of why it was necessary to monitor the NPRC it was said that while independent the NPRC is not unaccountable but rather accounts to Parliament which represents the people of Zimbabwe. The meeting was reminded of the fact that the NPRC has a lifespan and will not exist in perpetuity as such it is necessary to make sure that it is monitored as a way of making it effective. One participant noted that the issue of monitoring of the NPRC raises the difficult question of the nature of the relationship that the NTJWG wishes to have with the NPRC. Further to that, it was noted that there are organizations that are stakeholders of the NTJWG that are also part of the NPRC's external thematic committees which made it very necessary to address the issue of the nature of the relationship between the NPRC and the NTJWG.

Regarding the document outlining the monitoring framework, it was said that the document although good was ahead of its time and the stage the Commission is at. In response to this, it was said that the Commission was set up for the benefit of the people and not the government. It was also said that it was important to track the NPRC's activities in line with its mandate to evaluate if it is doing what it is constitutionally mandated to do within the expected time frames bearing in mind the lifespan of the NPRC. It was said that the NTJWG must play an oversight role through its monitoring strategy to ensure that the NPRC fulfills its mandate. It was pointed out that if the unstructured way the NPRC is currently

carrying out its activities is harming victims then it is the role of the NTJWG to speak up and hold the Commission accountable. Another participant enquired if the NTJWG has the work plan of the NPRC and it was said that the NPRC has not as yet developed a work plan but rather has a strategy which the NTJWG has but the strategy has no timelines although some of the NPRC's committees have work plans.

A further inquiry was made into whether the NPRC publicizes the dates of its activities, to this, it was said that although it does sometimes publicize the dates they are changed at the last minute or without communication which makes it difficult to know for certain what they plan to do beforehand. It was said that this has made it necessary to try and establish working relationships with individuals within the Commission itself. The discussion made it clear that although there is a need to monitor there is also a need to pay attention to the management of the relationship with the NPRC. The meeting was informed that before the publication of the NPRC Watch the NTJWG Chairperson meets with NPRC Chairperson to inform the NPRC of the NTJWG's findings that will be published and get feedback. It was reported that the Commission generally has no problem with publication of anything provided that it is factual.

It was however reported that there was an incident where the NPRC Chairperson made a statement about reporting to Vice President Mohadi and when the NTJWG quoted him in the NPRC he took offense and called Mr. PT Nyathi a member of the Working Group to register his disgruntlement. The matter was resolved through a meeting between the NPRC Chairperson and the Chairperson of the NTJWG, the Vice-Chairperson and members of the Secretariat. It was noted that there have been developments in the NPRC in which the State has been involved which has strained relations although this is not reflective of the attitude of all the Commissioners hence the NTJWG needs to keep an open mind in dealing with the NPRC. The take away from this discussion was that:

- For the sake of victims it is necessary to track what the NPRC is doing;
- Monitoring in the context of the NPRC should be in the broader sense be about its constitutional mandate but also more narrowly about whether it is doing what it said it would do and is supposed to do;
- There is a need for the NTJWG to work hard to establish relationships that allow it to know what the NPRC's next moves will be;
- There is need for building of relationships as individual organizations as well as members of the Survivor Support Group;
- There is a need to communicate what the aim is after monitoring that is, is the information for the NTJWG's use or to be passed on to the NPRC for its use.

Mapping strategy, tools & Mental health workshop

This session was facilitated by Mr. Dzikamai Bere and he gave an overview of the survivor engagement strategy. He highlighted that the survivor mapping exercise could potentially fall under any of the strategic priorities of the Working Group but mainly it goes under influencing policy implementation. He, however, highlighted that to influence policy implementation survivors need knowledge and they need to be monitoring developments to know what needs to change to inform their approach in influencing policy implementation. It was suggested that a good influencing strategy would not just focus on telling policy implementers what they are doing wrong but also what they are doing right. He emphasized the

importance of policy modeling which could be done with the aid of communities of practice through an effective coordination strategy. He said that as part of policy modeling shadow bills could be developed outlining what must be done and how to influence policy implementation. The example of Colombia was given where a model reparations policy was done. The Facilitator said that the SGG was expected to play an important role in process monitoring and also creating interface with survivors.

The Facilitator noted that the discussion was essentially aiming to develop a survivor engagement strategy. He said that the NTJWG has continually spoken of a survivor-centric approach and posed the question that the NTJWG wants the government to be survivor-centric but is the Working Group survivor-centric itself. Four elements of the survivor engagement strategy are as follows:

1. Survivor mapping;
2. Resourcing expertise;
3. Modeling leadership in survivors and
4. Convening a survivor's convention.

This strategy is informed by the working group strategy which was presented to stakeholders and adopted at the Stakeholders Conference on the 29th of August 2019. At the Conference there were four suggestions made which were:

1. Creating a specific office within the Working Group;
2. Developing a special mapping process to verify how deep our woundedness is
3. Catalyzing leadership development within survivors and
4. Convening a survivor's convention to allow for survivor engagement.

He explained that the survivor mapping exercise had been necessitated by the need to answer the following questions:

- 1. Who are the actual survivors?**
 - He highlighted that in some cases people that were survivors in the past become perpetrators and other perpetrators in the past are currently survivors.
- 2. What is the nature of survivor hood?**
 - He said that there is a need to understand what the survivors have survived to guarantee non-recurrence.
- 3. How do we design an authentic engagement strategy?**
 - The Facilitator said that there was a need for a broad engagement strategy that was a reflection of civil society's strategy.
- 4. How do we create a dependable resource for research and a comprehensive rehabilitation program?**
 - He said that it was necessary to have plans in place of how to create a dependable resource for research and a comprehensive rehabilitation program in anticipation of cabinet moving for a rehabilitation program. He then cautioned against the creation of expectations in attempting to create a dependable resource.

5. How do we support leadership development for the survivor community?

The proposed methodology for the process was stated as involving:

- A thorough desk study on understanding historical conflicts in Zimbabwe to help understand the nature of the survivor community and what they want;
- Strategies for engaging survivors at local and national level without dictating the manner, pace and level of engagement;
- A field survey of the survivors in their communities to verify information recovered from various databases;
- Practically using the transitional justice strategy to engage survivors without restriction to the usual activist groups or individuals and
- Motivating the unwilling, silent and/or unknown survivors to participate in TJ processes.

The proposed outcomes were said to be:

- Identifying the character of survivors;
- Developing a catalog that connects survivors to conflicts;
- Ascertaining the geography of survivor hood in place and time and
- Developing an engagement strategy.

The first question that was asked was why this process was necessary and for who it was being done. The response proffered to this was that the process was being done for NTJWG stakeholders to shape the victim-centered approach and also to assist in dealing with official processes. A concern was raised as to the comprehensive nature of the study particularly the field study particularly in the face of the risk of re-traumatizing survivors. It was also noted that other players such as the NPRC and ZCC are carrying out similar processes and there is a stampede to do a field study. The meeting agreed that it would be a better alternative to collate information that currently exists. It was also pointed out that any document developed using the information collated would be a living document that evolves frequently because survivors would constantly be coming out with their stories. Although there was agreement to collate information as opposed to carrying out a field study a concern was raised about disclosure of names which would breach confidentiality but non-disclosure, on the other hand, would risk duplication. A comment was made that survivor mapping is very important in informing the NTJWG on what the survivors want.

Election of Thematic Leader on Rehabilitation and Reparations

This part of the program was chaired by Grace to Heal and the aim was to elect someone to be the thematic leader of the Survivor Support Group and coordinate the survivor engagement strategy of the NTJWG with the aim of making the working group more victim centered. A request was made for clarification on the election of the thematic leader, particularly whether the meeting was supposed to elect an individual or an organization. To this, it was agreed that the election would be of an individual. There were two nominations for the post and these were Dr. Lovemore Frances of Counseling Services

Unit and Dr. Dumisani Ngwenya from Grace to Heal. Dr. Ngwenya indicated that he was hesitant to take up the post because he is currently seized with other responsibilities and he felt that the post needed someone who was able to give adequate attention to the issues which he is currently unable to do.

Conclusion

The meeting was concluded by participants agreeing to work together in coordinating their activities in line with the survivor engagement strategy. They also agreed to cooperate as much as possible without compromising issues of confidentiality to assist in the collating of information for the survivor mapping exercise.