



FACT SHEET

2020 STATE OF TRANSITIONAL JUSTICE REPORT

About the 2020 State of Transitional Justice Report

The 2020 edition of the State of Transitional Justice in Zimbabwe Report provides an expansive reflection of the progress, challenges, and opportunities within the trajectory of transitional justice in Zimbabwe. This report highlights the transitional justice work which was done by the National Peace and Reconciliation Commission (NPRC) and efforts by the Government of Zimbabwe (GoZ) to contribute to the ongoing transitional justice processes, albeit with minimal progress. It further showcases critical work by the National Transitional Justice Working Group (NTJWG), its stakeholders, and other civil society organisations. To read the full report visit <https://ntjwg.org.zw/2895-2/> around the world.

Key Findings of the Report

1. The NPRC submitted its 2018 and 2019 Annual Reports for presentation to Parliament and subsequent publication, albeit outside the permissible timelines in terms of the Constitution by 18 and 6 months respectively.
2. Exhumations and reburial of the victims of Gukurahundi remain a contentious and emotive issue with the GoZ usurping the NPRC's functions and leading engagements on how to address this issue. In October 2020, the NPRC was excluded from government-led engagements with civil society and traditional leaders on exhumations and reburials of the remains of the victims of Gukurahundi.
3. Institutional reforms continue to be a challenge as manifested by the continued violation of human rights by State security agents.
4. The government still has not implemented the recommendations made in the Report of the Commission of Inquiry into the 1st of August 2018 Post-Election Violence (Motlanthe Commission).
5. COVID-19 had a huge impact on the ongoing work by the NPRC and other key stakeholders such as the NTJWG and limited the reach of transitional justice programs to areas where internet connectivity is good and to people who have smartphones and can afford internet data.
6. In November 2020, the Committee on Standing Rules and Orders of the Parliament of Zimbabwe issued a call for public nominations of persons to serve as NPRC commissioners. These vacancies would arise in the NPRC on 23 February 2021 upon the expiry of the first five-year term of the NPRC commissioners that were appointed in 2016.
7. By the end of 2020, there was one vacancy for an NPRC commissioner and there was uncertainty over how long their tenure would be in light of the court case that is pending before the Supreme Court. The case seeks to determine whether the NPRC's ten-year life space began in 2013 when the Constitution came into force or in 2018 when the NPRC Act [Chapter 10:32] was enacted.
8. The NPRC has made strides towards the establishment of a Conflict Early Warning and Early Response (CEWER).
9. There was an increase in the incidence of the use of hate speech by national leaders and politicians.
10. Ecumenical institutions have broadened transitional justice work under the Churches Convergence on Conflict and Peace platform.
11. The GoZ still has not issued a sincere and public apology for the violations perpetrated in the Matabeleland and Midlands provinces during Gukurahundi despite calls for a



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- public apology by survivors, victims, and their families.
12. On 24 November 2020, the government gazetted the Zimbabwe Independent Complaints Commission Bill. The Bill was gazetted to establish an independent body to receive and investigate complaints from members of the public against members of security forces as provided for in section 210 of the Constitution. The gazetting of this Bill was in compliance with a Constitutional Court ruling of 23 September 2020 where the government was ordered to produce a bill within 45 days of the order.

Recommendations

The report makes the following recommendations that will help to make transitional justice processes in Zimbabwe more effective and ensure lasting peace and reconciliation to independent commissions, government entities, and civil society.

1. The NPRC's proposed Conflict Early Warning and Early Response (CEWER) should be broad-based, inclusive, and be able to adapt to the ever-changing conflict dynamic.
2. Exhumations and reburials of victims of Gukurahundi must be conducted with full consultations and unfettered participation of the relatives of the deceased and in accordance with their cultural practices.
3. President Emerson Mnangagwa and the GoZ must design and deliver an effective apology to the nation for the enduring legacies of human rights abuses.
4. Gender-specific harms must be unambiguously addressed in public apologies.
5. Reforms in the security sector must be prioritised.

6. Both official and unofficial transitional justice processes must pay particular attention to the relationship between silences, gender, and agency in communities that endured violent conflict.
7. The government must develop a national policy on memorialisation.
8. Transitional justice interventions within communities must be designed in consultation with affected communities.
9. Community dialogues hosted by the NTJWG must be informed by evidence to enhance their ability to influence the policy direction for transitional justice and peacebuilding.
10. Apologies for victims of Gukurahundi must be both backward- and forward-looking, acknowledging the legacy of the past violations but also signalling the desired future.

About the NTJWG

The National Transitional Justice Working Group is a platform established by forty-six Zimbabwean transitional justice stakeholders to provide the interface between transitional justice stakeholders and the official transitional justice processes in Zimbabwe. The NTJWG can be contacted on:

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