



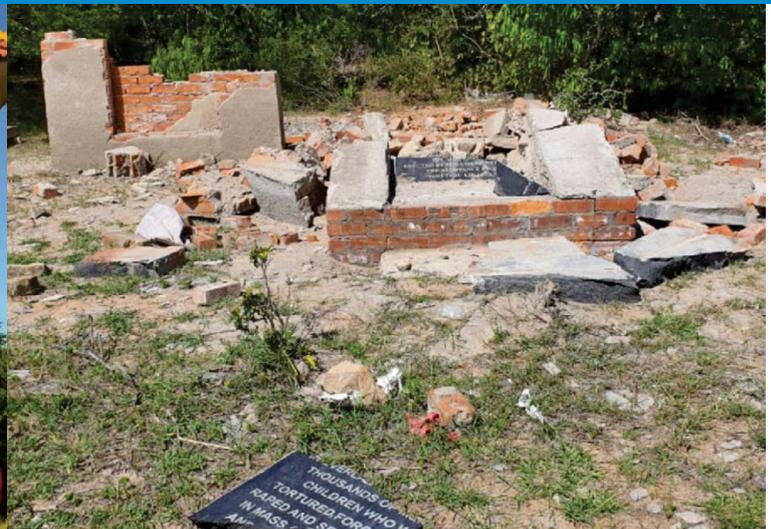
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JANUARY-MARCH 2022 EDITION



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Published by

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1. INTRODUCTION

The first quarter of 2022 set the tone for what seems to be a busy year for transitional justice. Critical developments which will be covered in this edition include the announcement by President Mnangagwa to launch Gukurahundi hearings, the destruction of the Gukurahundi memorial plaques in Bhalagwe and the Universal Periodic Review (UPR), which recommended the government's full implementation of the 2018 Motlanthe Commission of Inquiry recommendations. Overall, there was little traction towards justice, truth and reconciliation processes in the country.

2. Contextual Developments

The Supreme Court Judgment on the lifespan of the NPRC

The National Peace and Reconciliation Commission (NPRC) was established through section 251 of the Constitution. The Constitution states that the NPRC shall have a tenure of life of ten (10) years. Although the Constitution of Zimbabwe was enacted in 2013, there were delays in operationalising the NPRC. The delays were such that the NPRC only came into effect on 5 January 2018. This ignited uncertainty on when the ten-year life span of the NPRC began, with others arguing that it began in 2013 when the Constitution established the NPRC, while others argued that it started when the NPRC became operational in 2018.

The confusion on the life span of the NPRC prompted Concilia Chinanzvavana, on 8 October 2018, to file an application for a declaratory order that the NPRC's life tenure of ten years be deemed to have commenced from 5 January 2018, when the NPRC Act was promulgated into law. On 13 March 2019, the High Court sitting at Masvingo granted the declaratory order. As a result of the order, the NPRC's life span was deemed to have started in 2018 and set to end in 2028.

Regrettably, the Minister of Justice, Legal and Parliamentary Affairs appealed against the decision of the High Court in the Supreme Court. After hearing the matter, on 19 October 2021, the Supreme Court set aside the order of the High Court. The question of the lifespan of the NPRC remains uncertain in light of this recent decision by the Supreme Court. One may argue that the move to appeal against the High Court decision by the Supreme Court shows the lack of political will by the Government to resolve Zimbabwe's violent past. The extension of the NPRC's lifespan was advantageous for the victims; it meant the NPRC would have more time to fulfil its constitutional mandate effectively.

The delays in the setting up of the NPRC distressed victims and survivors of past human rights violations. Survivors perceived the delays as a deliberate ploy to ensure that the Commission's mandate expires before fully delivering on its mandate. There is currently rising fear that the NPRC's lifespan will expire without it having fulfilled its Constitutional mandate to lead post-conflict justice, peace, and reconciliation effectively. The order by the Supreme Court has deprived victims and survivors of the opportunity to have all their needs addressed; many past human rights conflicts remain unresolved, and this is a significant blow to effective transitional justice processes.

Elections

President Emmerson Mnangagwa proclaimed 26 March 2022 as the date for by-elections to fill vacant seats in the National Assembly and various local authorities across the country. The elections were long overdue but were postponed by the Zimbabwe Electoral Commission (ZEC) due to the COVID-19 pandemic. The nation rolled into the election mode with different political parties campaigning for vacant seats. Politically motivated violence constituted the electoral period compounded by hate speech, provocative language, and the dissemination of misinformation.

The increase in politically motivated violence in Zimbabwe during these elections is worrisome as they indicate what to expect in the upcoming 2023 harmonised elections. Examples include violence that erupted on 27 February 2022 in Kwekwe at a Citizens Coalition for Change (CCC) rally, which resulted in the death of a CCC supporter and left 22 people hospitalised with serious injuries. This incident occurred a day after

Vice President Constantino Chiwenga said it is a matter of time before ZANU PF crushes the Citizens Coalition for Change (CCC) “like lice” to prevent the opposition party from winning elections and attaining control of the State while addressing Zimbabwe African National Union-Patriotic Front (ZANU-PF) supporters at a campaign rally in Kwekwe at Mbizo Stadium.¹ Episodes of violence during the electoral cycle of the by-elections contradict the Electoral Code of Conduct provisions incorporated in the Electoral Act [Chapter 2:13]. The Code of conduct prohibits violence, threats, intimidation, and hate speech for political expediency. The increasing use of hate speech hurts peace and reconciliation efforts in Zimbabwe by creating a risk of instability and bloodshed in the country. The leaders of the main political parties should ensure that they desist from using hate speech. A peaceful election environment provides a foundation for lasting peace by curbing the recurrence of human rights violations.

The Universal Periodic Review

On 26 January 2022, Zimbabwe’s human rights record was examined by the United Nations Human Rights Council’s Universal Periodic Review (UPR) Working Group for the third time. The UPR is a process that involves a periodic review of the human rights records of all 193 UN Member States. Zimbabwe’s first and second periodic reviews took place in 2011 and 2016. The review was based on a national report submitted by the government, information contained in reports of independent human rights experts and groups, human rights treaty

bodies, other UN entities, and other stakeholders, including national human rights institutions, regional organisations and civil society organisations. During the third UPR cycle, Zimbabwe and other States were required to illustrate their steps to implement recommendations posed during their previous reviews. Zimbabwe’s delegation was led by the Hon. Ziyambi Ziyambi, Minister of Justice, Legal and Parliamentary Affairs.

To improve the human rights situation in the country, the Government of Zimbabwe was urged to:

¹ Nehanda Radio (Nyashadzashe Ndoro) (27 February 2022) “Zanu-PF thugs” unleash violence at Chamisa rally, kill one, dozens injured available at <https://nehandaradio.com/2022/02/27/zanu-pf-thugs-unleash-violence-at-chamisa-rally-kill-one-dozens-injured/>

- Take all necessary steps to ensure free and fair Presidential and Parliamentary elections in 2023, including facilitating access to identity documentation and voter registration.
- Take all necessary steps to ensure civil society actors and human rights defenders can operate freely without fear of intimidation or reprisals.
- Ensure that allegations of human rights abuses are promptly and transparently investigated and perpetrators held to account.
- Implement concrete legislative measures to facilitate justice, truth & reconciliation processes for victims of past human rights violations
- Take swift action to end impunity for human rights violations
- Allow citizens to enjoy the freedom of peaceful assembly fully
- Implement the recommendations of the Mothlante Commission of Inquiry.
- Ensure the independence of the judiciary

Launch of the Public hearings on Gukurahundi

In August 2021, President Emmerson Mnangagwa gave traditional leaders the mandate to resolve the Gukurahundi issues. Traditional leaders were tasked with leading reburial, reparations of victims' families, and conducting public hearings on Gukurahundi.² On 10 March 2022, the Chronicle reported that the President was set to meet up with the chiefs from Matabeleland to engage for the final time before the launch of the hearings of Gukurahundi. The Chronicle further reported that traditional leaders resolved to establish a panel to conduct Gukurahundi public hearings. The panel constitutes chiefs, traditionalists, pastors, counsellors, women, men and youth. In the meeting, Chiefs resolved that traditional chiefs would chair, moderate and give guidance during the public hearings.

According to the Chronicle and information in the public domain, Chief Mathuphula of the Zimbabwe National Traditional Healers Association (ZINATHA) will also participate in the hearings to guide related cultural issues. Church leaders are set to provide counselling services to assist female victims of human rights violations. It has also been reported that there will also be private hearings for victims of sensitive issues such as rape. Traditional leaders have not provided the timeframe for the public hearings or the lifespan of the exercise. Still, the Chiefs have highlighted that the process should be longer to allow many victims to participate. Despite the President's expression to resolve Gukurahundi, the NTJWG is concerned that the NPRC, as the Commission with a constitutional mandate to ensure post-conflict justice, healing and reconciliation, remains excluded. The NTJWG recommends the consultation of Civil Society Organisations (CSOs) who work in transitional justice processes to advise the Chiefs on dealing with victims' needs.

The NTJWG is also concerned about the chiefs' measures to protect the witnesses and the victims who testify against the perpetrators. There will also be a need to engage specialists in the case of exhumations. The Chiefs are urged to develop a proper framework on how they will conduct the hearings and the lifespan of the hearings.

² TheChronicle (Mashudu Netsianda), (10 March 2022), President to Launch Gukurahundi Hearings, available at <https://www.chronicle.co.zw/president-to-launch-gukurahundi-hearings/> retrieved 4 April 2022

Featured Article

The announcement that President Emmerson Mnangagwa is planning to launch public hearings on Gukurahundi has been received by mixed reactions from transitional justice actors. Mr. Antony Reeler, a senior researcher and former Director at the Research and Advocacy Unit (RAU), an independent research and advocacy institution specialising in human rights, transitional justice and governance issues in Zimbabwe wrote an article on the constitutional implications of the Gukurahundi public hearings.

Truth, Justice and Constitutionalism: How these are subverted by the Zimbabwe government.



Article by Tony Reeler

The announcement that the National Council of Chiefs will begin a process of hearings on Gukurahundi creates all manner of problems for transitional justice. Not only does seem to completely undermine the mandate of the National Peace and Reconciliation Commission (NPRC), but it also seems to undermine both the Constitution and constitutionalism.

The decision of the government, previously announced by the President on Sunday, 22 August 2021, to undertake action on Gukurahundi independently of the National Peace and Reconciliation Commission (NPRC) was already a major blow for truth, justice and constitutionalism. However, it is wholly consonant with practice in the past, going all the way back to the Chihambakwe Commission in 1983. It follows the strategy of appearing to do

something about a serious problem, and then completely ignoring it.

The issue got much worse with the statement by Fortune Charumbira, President of the Chief's Council, on 30 October, 2021, that chiefs in Zimbabwe support ZANU-PF, and that they are above the Constitution. Apart from this statement being inflammatory (no-one is above the Constitution), this also comes from a man who has previously been held in contempt for a similar statement, although nothing was done to enforce the contempt order. It also has profound implications for dealing with the problems of Gukurahundi.

Now it may appear to some that placing the problems of compensation and lack of access to birth certificates and other important

documents in the hands of the chiefs is reasonable, but the very large range of issues that they will advise on, not only usurps the mandate of the NPRC, but completely leaves out the thorny question of accountability: neither truth nor justice are a concern. This drew immediate criticism from Matabeleland actors.

The position of the chiefs gets even muddier with the recent attack by Chief Murinye on the government because of rampant corruption, even suggesting that this might lead to another coup. This drew immediate attacked from Vice President Chiwenga, and the threat of disciplinary action, but little has been made of Murinye's subsequent statement that he is a supporter of ZANU-PF, again in contradiction of the Constitution. Chiefs must be non-partisan under the Zimbabwe constitution as it says in Section 282 (2), not "be members of any political party or in any way participate in partisan politics".

It is made worse by the President now accusing civil society of using the issue to cause dissent in the country. It is obvious to most that ignoring Gukurahundi is the cause of dissent and it is not dissent to keep raising the fact that little is done and now will be done with the decision that the life of the NPRC is to be shortened against the background that the government dragged its feet in ensuring that the NPRC went into action as early as possible and was resourced as strongly as possible.

However, whilst these are all important issues in transitional justice, there is a more insidious problem, the undermining of constitutionalism. This applies not merely to the Gukurahundi problem currently but has been going on for decades. When Robert Mugabe created commissions to look at the violence in Matabeleland in 1983, or the looting of the War Victims Compensation fund in 1997, the belief was that this would lead to action. However, this was never the case: the Chihambakwe report was suppressed, and no-one was prosecuted for stealing from the War Victims Compensation fund, least of all Dr Hunzvi, the main perpetrator.

We now live in another context, both because of the 2013 amended constitution as well as the claims to be in a new dispensation, and thus constitutionalism has become an imperative. We have created institutions to deal with the problems that were formerly handed to Presidential Commissions; we have constitutionally mandated Independent Commissions, bodies with teeth ostensibly. They should be protected, not undermined.

The objectives of these Commissions, laid out in Section 233 of the Constitution, all six of them, are very clear:

- (a) to support and entrench human rights and democracy;
 - (b) to protect the sovereignty and interests of the people;
 - (c) to promote constitutionalism;
 - (d) to promote transparency and accountability in public institutions;
 - (e) to secure the observance of democratic values and principles by the State and all institutions and agencies of government, and government-controlled entities; and
 - (f) to ensure that injustices are remedied.
- The Constitution envisages a very powerful role for the independent commissions in ensuring both democracy and accountability.

The Zimbabwe Human Rights Commission (ZHRC) is the body to deal with ongoing human rights violations. Its functions, laid out in Section 243, are very clear:

- (f) to investigate the conduct of any authority or person, where it is alleged that any of the human rights and freedoms set out in the Declaration of Rights has been violated by that authority or person;
- (g) to secure appropriate redress, including recommending the prosecution of offenders, where human rights or freedoms have been violated;
- (h) to direct the Commissioner-General of Police to investigate cases of suspected criminal violations of human rights or

freedoms and to report to the Commission on the results of any such investigation;

It is worth outlining all these functions as they bear materially on what needs to be done in the event of human rights violations taking place in the country. For current violations, the ZHRC is the go-to body, and as was the case with the violations in August 2018 and January 2019, it was the ZHRC that should have investigated, not a Presidentially appointed body like the Montlanthe Commission. This was a flagrant undermining of the Constitution. Bear in mind the sections (f), (g) and (h), highlighted above, and compare what might have been the outcome of the ZHRC investigating this with the outcome of the recommendations by the Montlanthe Commission. We are still waiting for an investigation of the murders committed by the Zimbabwe National Army (ZNA) in August 2018.

The ZHRC has the mandate to deal with human rights violations since 2013, whilst the National Peace and Reconciliation Commission (NPRC) must address itself to the violations of the past. This is described in Section 252 of the Constitution as follows:

- (a) to ensure post-conflict justice, healing, and reconciliation;
- (b) to develop and implement programmes to promote national healing, unity and cohesion in Zimbabwe and the peaceful resolution of disputes;
- (c) to 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;
- (d) to develop procedures and institutions at a national level to facilitate dialogue among political parties, communities, organisations and other groups, in order to prevent conflicts and disputes arising in the future;
- (e) to develop programmes to ensure that persons subjected to persecution, torture and other forms of abuse receive rehabilitative treatment and support;
- (f) to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;

- (g) to develop mechanisms for early detection of areas of potential conflicts and disputes, and to take appropriate preventive measures;
- (h) to do anything incidental to the prevention of conflict and the promotion of peace;
- (i) to conciliate and mediate disputes among communities, organisations, groups and individuals; and
- (j) to recommend legislation to ensure that assistance, including documentation, is rendered to persons affected by conflicts, pandemics or other circumstances.

The NPRC is thus quite obviously the go-to body when any issue around human rights violations of the past is concerned, and any claim by the government to respecting constitutionalism will require it to direct any matter concerning the past to the NPRC. It is therefore unacceptable for the government to take any action regarding the past outside the NPRC: the government does not begin separate discussions with the chiefs on Matabeleland and still claim that it respects the Constitution. It might be added again that in all the reports of the intended programme, which will be extensive if the reports are correct, there is no mention of accountability or justice, as required under Section 252(a).

The conflict between the Zimbabwe Anti-Corruption Commission (ZACC) and the unit established in the Office of the President and Cabinet could also be mentioned as undermining the mandate of a constitutionally appointed body. Furthermore, governing via statutory instruments is a further blow against constitutionalism. Diminishing the oversight powers of parliament is hardly commensurate with a claim by the “second republic” to be adhering to the Constitution, and much more in keeping with the tactics of the “first republic”. The failure to constitute an independent complaints mechanism for investigating misconduct by members of the security forces, required by Section 210 of the Constitution, is yet another example. Here bear in mind the expensive and tedious resort to civil litigation by victims of security force “misconduct”.³

So, in respect of this attempt to put Gukurahundi to rest, we would expect at least three concrete things to happen if the citizenry and its representatives believe in constitutionalism. The first is that all the chiefs should reject this approach by the President and the government, demand that the Constitution be followed, and approach the NPRC for direction. The second is that the NPRC itself should complain sternly about the usurping of its constitutional mandate by the executive. Thirdly, all civil society should protest, because this is not just about Gukurahundi, but about all the human rights violations that have taken place over the past four decades, and perhaps even raise some of the issues that are still not properly addressed from the colonial era. Nations do not heal by avoiding the past, or selectively remembering some of the past, they heal by facing all of its history, both old and recent. And they certainly do not ignore

the attempts by ordinary citizens to remember their history as has been repeatedly seen with the destruction of the Bhalagwe memorial. However, healing apart, the country will not come close to becoming a developmental state without constitutionalism, rule of law and respect for human rights. These are imperatives for ensuring that the citizenry can trust the government, and the government shows reciprocal trust in the citizenry. The examples above are but a sample of the lack of a genuine social contract in Zimbabwe, and it is doubtful that such a contract – long missing – can emerge without radical reform of the State. We need a transition to achieve this, not an election.

Tony Reeler is a member of the National Transitional Justice Working Group and co-convenor of the Platform for Concerned Citizens. He writes in his personal capacity.

An attempt to Erase Memory



Memorialisation is essential to protecting rights, seeking redress and supporting reconciliation and recovery in damaged societies. Memorials can help governments reconcile tensions with victims by demonstrating respect, acknowledging the past, and ensuring non-recurrence. The healing begins with acknowledging that painful chapters are essential parts of history. They can also help establish a record of history and prevent the recurrence of abuse.

In Zimbabwe, memorialisation has aroused controversy and presented challenges for the victims of state violence and brutality. The Government of Zimbabwe has been silent about memorialising victims of past human rights violations, especially the victims of the Gukurahundi massacres. The destruction and theft of Gukurahundi memorial plaques continue to be a major obstacle to justice and healing for the families of the victims of Gukurahundi.

On 4 January 2022, a memorial plaque erected to honour victims of the Gukurahundi genocide at Bhalagwe in Maphisa, Matabeleland South, was bombed by unknown perpetrators. The destruction of memorial plaques is not a new development for the people of Bhalagwe, as the latest incident was the third after two more plaques erected were destroyed last year on two separate occasions. The community's work and effort through the help of Ibetsu Likazulu to memorialise victims of Gukurahundi have been frustrated by the continuous destruction of all memorial plaques that they have erected. In addition to these woes, the national authorities have not taken any action to deal with the theft of the memorial plaques. The Deputy Chief Secretary-Presidential Communications in the Office of the President and Cabinet, Mr George Charamba, spoke during an interview with the Centre for Innovation and Technology (CITE) and characterised erecting memorial plaques as unlawful, claiming that it is not in tandem with the Government of Zimbabwe's policy. Mr Charamba inferred that the destruction of the memorial plaques is not a concern of the State because it was done without the consent of the State. The indifference by the State

towards the pain of the theft and destruction of memorial plaques is evidence of the State's attempt to silence and wipe out from history the gross human rights violations suffered by the victims at its hands. It may be suggested that the memorial plaques shame the perpetrators of the Gukurahundi massacres, hence the willful destruction and theft of the plaques. The plaques are a lament and remembrance that draws public attention and recourse. They are a reminder to the perpetrators of the pain and injustice they inflicted on the victims of human rights violations, a cry for justice by the victims' families whose loved ones were sacrificed to state-sanctioned brutality and socio-economic difficulties in society.

Civil Society Organisations condemned Mr Charamba for his utterances. Commenting on Charamba's statements, Ibhetshu LikaZulu Secretary-General, Mbuso Fuzwayo, said,

"Charamba speaks for President Mnangagwa and his statement is revealing of the ZANU-PF government's disregard of their victims, both the dead and the surviving. If according to Charamba erecting a plaque in Bhalagwe is unlawful, is bombing it lawful? In any case, was the genocide lawful?"

The Crisis in Zimbabwe Coalition raised concern over the government's continued silence concerning the destruction of the Gukurahundi memorial plaques. Crisis in Zimbabwe Coalition further condemned George Charamba's utterances, noting that sentiments testify that the current government has no political will to ensure that the Gukurahundi issue is addressed inclusively and comprehensively. To read the full statement by the Crisis Coalition of Zimbabwe, visit <https://kubatana.net/2022/01/19/state-confirms-intention-to-silence-victims-and-sweep-gukurahundi-under-the-carpet/>

The continuous theft and destruction of memorial plaques are detrimental to the healing process as they re-traumatise families of victims of violence, reminding them of the painful events that befell their loved ones. For

the families of the victims of Gukurahundi, the matter of justice for their loved ones remains elusive not only because traumatic experiences harbour wounds that will not go away but because of the impunity towards the culprits who continue to steal and destroy the memories left of their loved ones through the

theft and destruction of memorial plaques. The NTJWG commends Ibetsu Likazulu and the Gukurahundi victims' families for their determination to preserve the memory of their loved ones calling to account the perpetrators of the human rights violations.

NTJWG Activities

Letter to George Charamba to retract his statement on Gukurahundi Memorials

The destruction of Gukurahundi memorial plaques is a massive blow to the healing and reconciliation efforts of the victims' families. Despite the importance of the memorialisation process, it is often side-lined and regarded as less significant and much less urgent. There is also a lack of political will on the part of the Government to promote memorialisation initiatives that are exhibited through the conduct and utterances of some Government officials.

In an interview with the Centre for Innovation and Technology (CITE) on 17 January 2022, the Deputy Chief Secretary-Presidential Communications in the Office of the President of Zimbabwe, George Charamba characterised the erection of memorial plaques as unlawful. He claimed that it is not in tandem with the Government of Zimbabwe's policy and further expressed disregard for the involvement of the chiefs involved in the process.

In response to his utterances, the NTJWG wrote to George Charamba on 20 January 2022, calling upon him to retract his statement and issue a public apology to the people of Bhalagwe and all victims and survivors of the Gukurahundi and be sensitive to concerns raised over the destruction of memorial plaques. The NTJWG is yet to receive a response from Mr Charamba.

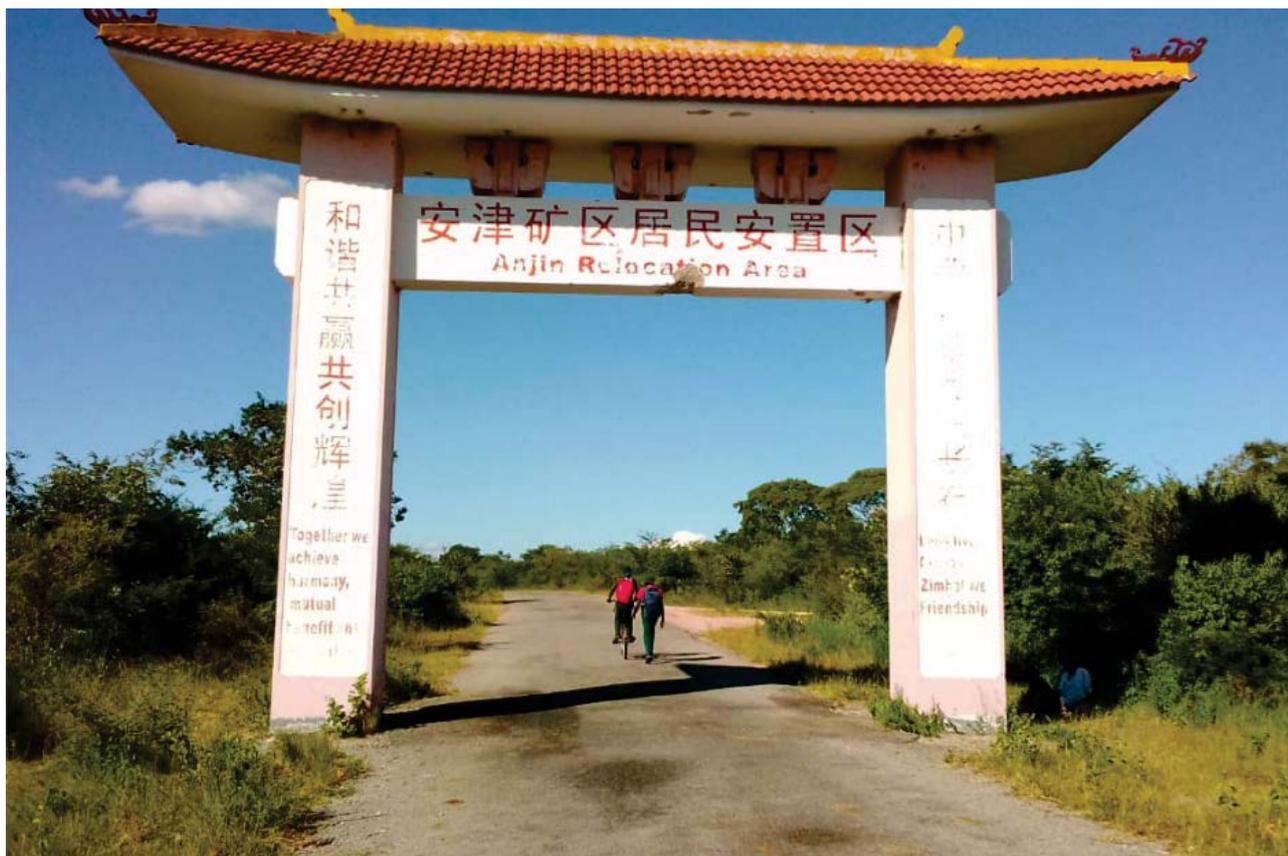
NTJWG Board Meeting

On 3 March 2022, the NTJWG board convened virtually for its first quarterly meeting to deliberate on the activities implemented in the previous quarter and map the strategic way forward for the next quarter. As the year 2022 began, there was a need for the NTJWG board to meet and discuss the impact made, the challenges encountered, the opportunities identified, and the failures suffered in 2021. The meeting provided a platform for the members of the NTJWG Board to discuss the outcomes of the Annual Members Conference and plan for the elective conference of the new NTJWG Board.

In his opening remarks, the NTJWG Chairperson, Mr Alec Muchadehama highlighted that the election period comes with a rise in violence and transitional justice issues are usually put at the end of the banner because people will be concentrating on elections. He further highlighted the importance of ensuring that transitional justice issues are not forgotten because of politics.

As the term of office for the current NTJWG current board is coming to an end, the board had an opportunity to reflect on the challenges, successes and experiences during its tenure and plan for the elective conference of the new NTJWG Board.

ARDA Transau Community Dialogue



“We were forced to relocate to pave way for mining projects. There was no consultation or due process followed.”

The Constitution further provides for property rights under section 71. Despite these Constitutional provisions, arbitrary eviction, forced relocation and displacement of families from their homes are one of the major human rights atrocities which continue unabated in Zimbabwe. Among the notable atrocities is the forced relocation of many households from Marange to ARDA Transau by the Government and mining companies. In 2009 villagers from Marange were displaced to pave the way for large scale diamond mining by a Chinese company called Anjin Investments. The families were relocated without adequate compensation, and compensation procedures were not properly followed. The forced relocation resulted in the violation of social, economic, environmental and cultural rights of the Marange and Arda Transau communities. The communities have no access to clean water adequate land for farming and accommodation. The victims of forced relocation and displacement are often excluded from the transitional justice narrative in Zimbabwe.

The NTJWG realised the need to educate displaced communities about the transitional justice processes to ensure they are involved in them. On 8 March 2022, the NTJWG convened a community dialogue in Arda Transau. The dialogue targeted community members who were displaced from Chaidzwa at the advent of diamond mining and Operation Hakudzokwe. Through the community dialogue, the NTJWG was able to educate and raise awareness about the functions of the NPRC, its mandate and how the people can air out their grievances to the NPRC.



ARDA Transau Community Dialogue in progress

The NTJWG also had an opportunity to hear the experiences and challenges faced by the relocated communities, their expectations from the Government of Zimbabwe and the National Peace and Reconciliation Commission. The following issues arose during the discussion:

- Women and children have borne the larger burden of forced relocation. Women are forced to walk long distances in search of water for domestic consumption.
- The demolition of schools left the children with no choice but to travel long distances to attend school or to drop out of school altogether.
- The relocated community has raised issues of discrimination, lack of identity and conflict for resources.
- The families have have lost their livelihoods because most of them were farmers in Chiadzwa and they used to survive on selling their farming products but there is no land for agricultural purposes in ARDA Transau and no grazing land for their cattle. There have no adequate shelter, no electricity and no access to clean water. A victim of forced relocation narrated her experience;

“We were forced to relocate to pave way for mining projects. There was no consultation or due process followed. We were told we would be given houses in ARDA Transau. We do not know who we belong to because there was no proper handover and take over between chiefs and the chiefs refuse to preside over our matters. We lack identity”- Victim of forced relocation

Despite these grievances and conflicts, it was concerning to know that the communities did not know about the NPRC, its mandate and how to engage it. Although the NPRC has the constitutional mandate to conciliate and mediate disputes among communities, organisations, groups and individuals, it remains unknown. People in remote and marginalised communities are excluded from the transitional justice processes because they lack knowledge of the NPRC and transitional justice. There is a need to ensure the visibility of the NPRC in rural communities. After all the discussions, the NTJWG asked the community about the form of memorialisation that adequately captures the stories of all people that were affected during the forced relocation. Among the forms of memorialisation suggested by the community were boreholes, community garden, vocational training centre, classrooms, memorial sites, a clinic and a community library.

Launch of the Documentary

The widespread of human rights violations is not a new development in Zimbabwe, cases of gross human rights atrocities have been prevalent since the pre-independence era, the post-independence era and also in the new dispensation. Examples of epochs of violence during which gross violations were perpetrated upon the people by the government include the Gukurahundi, Operation Makavhotera Papi, Operation Hakudzokwi, Operation Murambatsvina, 1 August 2018 post-election shootings, January 2019 disturbances, among others. These atrocities remain fresh in the lives of the victims even though the stories have been suppressed for a long time because most of the perpetrators are now in power. To achieve healing, reconciliation and closure, the truth must be told and victims should be allowed to share their traumatic experiences about torture, loss of property and killings of their loved ones.

In a bid to keep the stories alive and to promote the truth-telling about the human rights atrocities, the NTJWG produced a documentary that offers an intimate window

into the stories of human rights violations that occurred during the Gukurahundi, Operation Makavhotera papi, operation Murambatsvina and 2008 post-election violence as told by the survivors and victims of violence. Documenting survivors and victims’ ordeal, the documentary gives a voice to those who have survived the traumatic experience and it pays special attention to the need for accountability and reparations in ensuring healing and reconciliation.

On 18 March 2022 at Ster Kinekor Borrowdale, the NTJWG Launched the Documentary titled, “Untold truths in Zimbabwe: Stories of injustice through the eyes of survivors.” The event was attended by members of the NTJWG, journalists and the Zimbabwe Human Rights Commission. Through the documentary, the NTJWG managed to ensure that stories of human rights violations were kept alive and truth-telling was upheld through the amplification of the victims’ voices. To watch the documentary, visit <https://fb.watch/bYanKNxbVE/>

Radio Program on Memorialisation

On 18 March 2022, the NTJWG hosted a radio program on the importance of memorialisation on ZiFM stereo. The panellists were Edknowledge Mandikwaza from Heal Zimbabwe Trust, Mbuso Fuzwayo from Ibetshu Likazulu and Sindiso Nxumalo an NTJWG trained Survivor and Honorable Marko Raidza. The radio program aimed to discuss the importance of memorialisation initiatives in transitional justice and the implications of the destruction of memorial plaques in the peace and reconciliation efforts.

Edknowledge Mandikwaza highlighted that past conflicts, violence and human rights violations have not been addressed and acknowledged. There is a need to promote truth and accountability by the perpetrators of human rights violations. The institutions that instigate human rights violations should be reformed to become more peaceful. The perpetrators should make a public apology to the victims of past human rights violations.

Mr Fuzwayo noted that the destruction of memorial plaques frustrates all the efforts of healing and reconciliation. He further highlighted that the destruction of plaques denies young people the opportunity to know the truth about the Gukurahundi massacres. Mr Fuzwayo emphasised that it is important for people must get a proper narrative of the past human rights violations.

Honourable Marko Raidza said it is important for everyone to deal with the issue of the Gukurahundi and the President has been working to resolve the issue. He further said that the courts have not convicted anyone of instigating Gukurahundi massacres and casting aspersions on the ruling party as the perpetrator will hinder the efforts to come up with an effective solution to solve the Gukurahundi issue. He further highlighted that the process should put survivors at the centre of the discussions and efforts and this will help Zimbabwe to move forward.

Speaking on behalf of survivors of past human rights violations Ms Sindiso Nxumalo, a survivor of past human rights violations indicated that survivors should be allowed to choose how they want to heal because they are the ones who have experienced the pain. She said survivors want justice, truth-telling and memorial plaques to remember the loved ones who have died due to torture and human rights violations. She said that the erection of memorial plaques is a way to keep the memory of the victims of human rights violations alive and the destruction and theft of memorial plaques destroy the chance of survivors to memorialise and remember their loved ones.

NPRC Activities

Women's Day Commemorations

On 8 March 2022, the NPRC commemorated International Women's Day by issuing a press statement. In its statement, the NPRC celebrated the critical role that women and girls play in fostering peace and social cohesion at both local and national levels through climate change action as a conflict prevention mechanism. The NPRC noted that climate change is a threat multiplier that can accelerate tensions into conflicts, especially in contexts where there are pre-existing vulnerabilities and patterns of discrimination against women and girls and conflict-related Gender-Based Violence increases during emergencies due to the strife and stresses that are brought about by such situations and there is often discrimination and marginalisation of women following conflict-induced displacements. The NPRC called upon relevant stakeholders to empower women and girls to have a voice and be equal players in decision-making related to climate change and sustainability as a precursor for sustainable development, peace and greater gender equality. To read the full statement visit <http://www.nprc.org.zw/wp-content/uploads/2022/03/women-s-day-converted.pdf>

Appeal to refrain from political violence

The NPRC appealed to the public and political players including aspiring candidates, campaign teams, supporters, political parties among others to refrain from violence. In its statement issued on 28 February 2022, the NPRC noted the increase in violence in the country as the country gears up for By-elections on 26 March 2022. The NPRC highlighted that violent incidences threaten to disturb the peace and unity during the campaign period and may result in unimaginable loss of lives and property. Although the NPRC had not received any complaints from the public, it undertook to work with other stakeholders such as other Independent Commissions and the Zimbabwe Republic Police (ZRP) to promote peace before the elections as well as the post-election period. The Commission further urged political parties, party supporters, aspiring candidates, campaign teams to refrain from any form of violence. To read the full statement, visit <http://www.nprc.org.zw/appeal-to-refrain-from-violence/>

Regional Developments

Germany paying reparations to Namibia

In June 2021, the German government gave a formal apology for the genocide that took place in Namibia during its time as the colonial power in Namibia. The atrocities which saw two ethnic groups- the Herero and Nama people being killed by German soldiers and settlers occurred more than 100 years ago. Thousands of children, women and men were forced to move to the desert where they died of starvation, malnutrition and exhaustion. The German Government offered to pay \$1.2 billion to Namibia as compensation and reparations for its role in the genocide and property seizures. The gesture by the German Government has been received with different emotions. Other people have viewed it as the first step in the direction of healing and reconciliation. The Herero and Nama traditional leaders have shunned the gesture, highlighting that they were not consulted in the process and that the \$1.3 billion was not adequate to compensate the lives lost during the atrocities.

Conclusion

The developments in the first quarter have shaped another debate in transitional justice especially the launch of the Gukurahundi public hearings vis-à-vis the statement by George Charamba about the illegality of memorial plaques and the exclusion of the NPRC from the process. The transitional justice stakeholders are concerned that this process may not be done inclusively and transparently. The NTJWG urges the Council of Chiefs to come up with a clear framework on how these hearings will be conducted, taking into consideration the importance of victims' safety, victim centredness and inclusivity of other transitional justice actors.

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

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