

JULY TO DECEMBER 2022



|Transitional Justice Watch|



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Stakeholders, partners, and friends welcome to the Transitional Justice Watch Report for the second half of the year 2022. In this edition, we look at key contextual developments, such as Minister Ziyambi Ziyambi's assertion that Gukurahundi is a closed chapter in Zimbabwe's history, which we juxtapose with President Mnangagwa's visit to the Kigali Memorial in Rwanda where he paid tribute to the victims of the genocide. We then question why victims of Gukurahundi are not extended the courtesy that would allow them to have memorial sites like the Kigali Memorial. We also spotlight the launch of the community engagement process of the Gukurahundi which will be led by the traditional leaders. We also take you through the National Peace and Reconciliation Commission (NPRC)

and National Transitional Justice Working Group (NTJWG) activities, the highlights of which are the International Day of Peace commemorations. As the NTJWG is a member-based platform, and we recognise the important contributions stakeholders play in advancing transitional justice, we also briefly highlight what some stakeholders did to contribute to transitional justice from July to November 2022. Under our regional developments section, we celebrate the adoption of the Guidelines for the Protection of All Persons from Enforced Disappearances in Africa by the African Commission on Human and Peoples' Rights. Finally, we share our featured articles for this quarter: essays written by high school students on their idea of peace and how they can contribute to peace in their communities.

2.1 Minister of Justice, Legal and Parliamentary Affairs Claims Gukurahundi is A Closed Chapter

On 18 August 2022, the United Nations Committee on the Elimination of Racial Discrimination concluded its consideration of Zimbabwe's report on implementing the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee commended the enactment of the Constitution of Zimbabwe 2013 and raised questions about the role of the NPRC. It further expressed its concern that the Gukurahundi continues to cause ethnic tensions and that victims, survivors, and their families remain traumatised and are barred from carrying out commemorative activities. In response, the Minister of Justice, Legal and Parliamentary Affairs Ziyambi Ziyambi said that the NPRC had been formed to ensure national cohesion and resolution of conflicts. He also pointed out that the NPRC had not been constituted to deal with the 'Ndebele issue', presumably referring to the Gukurahundi atrocities. Furthermore, the Zimbabwean delegation objected to the use of the word 'massacres' in reference to the Gukurahundi, and Minister Ziyambi indicated that the Gukurahundi was a political matter which had been concluded when the Unity Accord was signed in 1987. To read the meeting summary for this session, please click this link

The NTJWG finds Minister Ziyambi's utterances excessive, and they betray the GoZ's unwillingness to deliver justice for the violations perpetrated during the Gukurahundi. Firstly, it is important to

state that although the Gukurahundi had political motivations, many Ndebele speakers were targeted based on their shared language with the 'dissidents' as pointed out by the UN Committee. Therefore, the Minister is misguided in his attempt to rewrite history by reducing the Gukurahundi to a purely political issue and ignoring the tribal nature it took. However, targeting Ndebele people does not mean that the Gukurahundi should be seen as an exclusively Ndebele issue. It is a national issue over which the NPRC is mandated to act, as the NPRC has repeatedly said. There can be no national healing without addressing not just the Gukurahundi, but other epochs of violence that have left people in different parts of the country traumatised, missing, or even dead. The delegation's insistence on not using the 'massacres' to describe the Gukurahundi is also concerning because it reflects a desire to reduce its significance. It is indisputable that many people who were not involved in any dissident activity were killed during the rampant human rights violation perpetrated during the Gukurahundi, making the use of the word 'massacres' fitting. Therefore, the NTJWG's view is that instead of debating the words used to describe the atrocities, the GoZ must focus on addressing them and ensuring non-recurrence.

The final issue of concern is Minister Ziyambi's assertion that the Gukurahundi was addressed through the signing of the Unity Accord. He further claimed that no prosecutions could be done because former President Robert Mugabe had granted the perpetrators amnesty. In 1982 former President Mugabe decreed the

Emergency Powers (Security Forces Indemnity) Regulations. Section 4(1) of the Regulations precluded the President, the Minister, and the Deputy Minister, as well as members of the security forces, from civil or criminal liability for acts committed 'for the purposes of or in connection with the preservation of the security of Zimbabwe' unless the Minister approved such proceedings of Defence. In 1983 sections 4 and 5 of the Regulations were replaced with new provisions under sections 4, 4A, and 5. The new section 4A similarly protected the President, Minister, or Deputy Minister from civil or criminal proceedings in respect of anything done in good faith for the purposes of or in connection with the preservation of the security of Zimbabwe unless the Attorney General or their delegate instituted the proceedings. What is important in this case is that the amnesty only applies to acts done to preserve security in Zimbabwe. It is inconceivable that the rampant and indiscriminate killing, raping, torturing, and other ill-treatment of civilians during the Gukurahundi can be argued to have been necessary to preserve the nation's security. Additionally, in the *Granger v Minister of State* 1984 (2) ZLR 92 (S), when the GoZ attempted to rely on the Regulations to indemnify perpetrators of human rights violations, the Supreme Court found that provisions of the Constitution allowing the executive to take measures during an emergency did not entitle the executive to grant indemnity for human rights violations. Therefore, Minister Ziyambi's utterances indicate a misunderstanding of the provisions of the law. It is also surprising that Minister Ziyambi claimed that the Gukurahundi is a closed chapter, although President Mnangagwa has since 2019 acknowledged that it is not, and it needs to be addressed.

Minister Ziyambi's utterances rightfully provoked outrage among transitional justice stakeholders. Shockingly, the NPRC has not publicly addressed Minister Ziyambi's utterances. This is regrettable and contravenes the NPRC's own publicly stated position that addressing the Gukurahundi is a priority for it. Despite the NPRC's ominous silence, citizens have expressed their discontent

with the Minister for his utterances. To respond to the Minister's utterances, the NTJWG held a press conference during which the inaccuracy of Minister Ziyambi's utterances was highlighted. The NTJWG also highlighted that amnesty could not be granted in crimes against humanity, such as the Gukurahundi. It also called for the censure of Minister Ziyambi and a public apology to those affected by the Gukurahundi. Regrettably, Minister Ziyambi has not apologised; instead, he reiterated his utterances. He has argued that the GoZ could not concern itself with the European thinking that their way of doing things must be the standard. The NTJWG reminds the Minister that calls for resolving the Gukurahundi have been made since it ended by Zimbabweans and not Europeans. Given that Zimbabwe is a democratic country, the NTJWG calls upon Minister Ziyambi and the GoZ to heed the calls of the people and address Gukurahundi in accordance with the expectations of all stakeholders.



Figure 1 - NTJWG Vice Chairperson, Dzikamai Bere addressing the Media During the NTJWG Press Conference

2.2 President Mnangagwa Visit to Genocide Museum in Rwanda

On 7 September, President Mnangagwa visited the Kigali Genocide Memorial and paid tribute to the victims of the genocide against the Tutsi in Rwanda. In his tribute message, he acknowledged the cruelty demonstrated by the perpetrators of the genocide and expressed his hope that such violence would not be experienced in Rwanda and any other country. The visit to the Memorial was seemingly a sobering moment for the President, as expected, given the atrocities documented in the Memorial. However, considering Zimbabwe's history with violence akin to that seen during the Genocide in Rwanda it is surprising that the President appears to have been more moved by the suffering of the Tutsi in Rwanda and not the people of Matabeleland and Midlands. President Mnangagwa's visit came after Minister Ziyambi's regrettable utterances on the Gukurahundi and yet the visit to the Memorial seemingly did not inspire the President to censure Minister Ziyambi and direct him to be more sensitive in his utterances about the Gukurahundi. Furthermore, it is curious that the President visited the Kigali Genocide Memorial but has not built a similar memorial for the Gukurahundi or shown any support to communities who built memorials that were later destroyed. The NTJWG implores the President to create an enabling environment for Gukurahundi to be remembered in Zimbabwe just as the genocide is remembered in Rwanda.

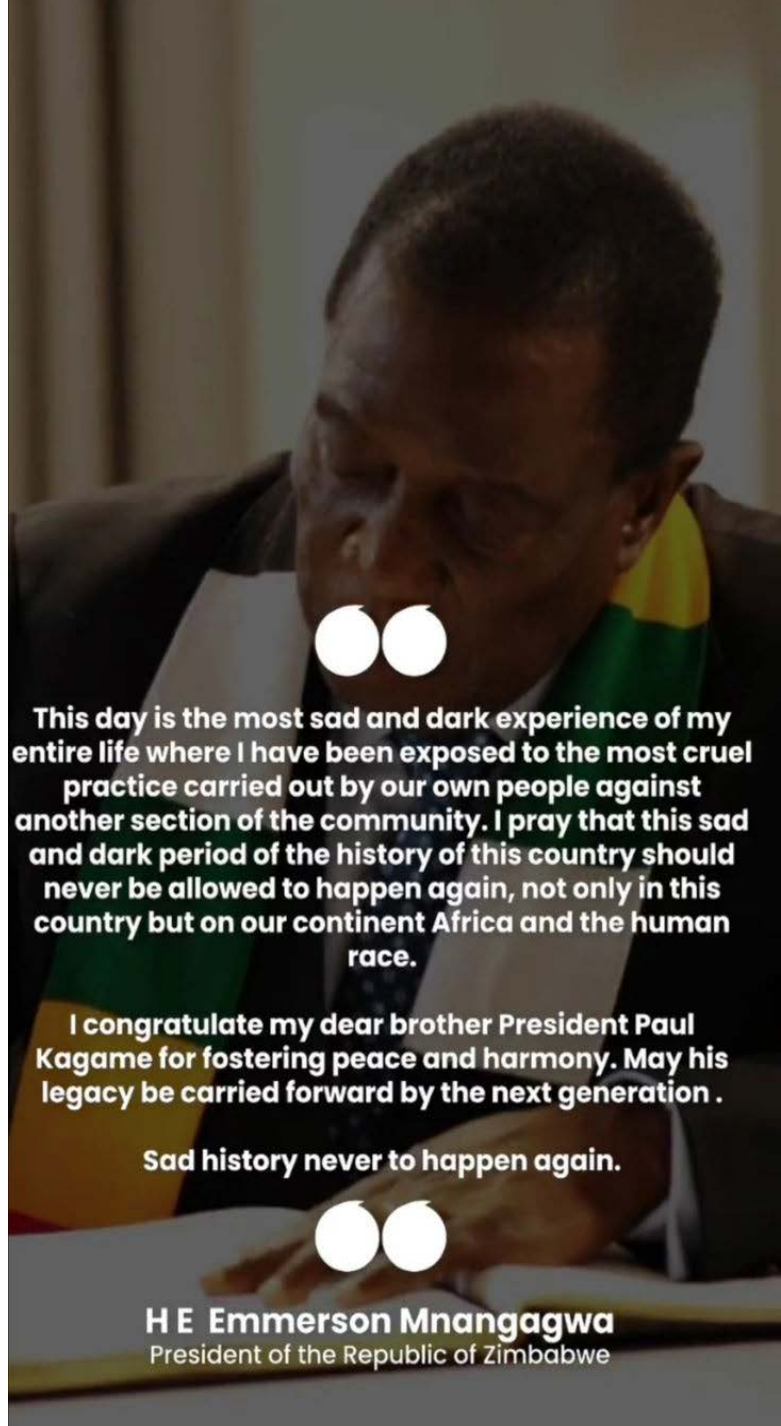


Figure 2 - President Mnangagwa's Tribute Message for the Victims of the Genocide in Rwanda

2.3 Reassignment of Administration of NPRC Act to the Ministry of Justice, Legal and Parliamentary

Another key transitional justice development emanating from the past quarter is the reassignment of the administration of the NPRC Act through Statutory Instrument 166 of 2022. Previously the NPRC Act fell under the administration of the office of the Vice-President, and until his resignation in 2021, former Vice President Kembo Mohadi was the responsible Vice-President. Through Statutory Instrument 166 of 2022, the administration of the NPRC Act now falls within the Ministry of Justice, Legal, and Parliamentary Affairs. Therefore, Minister Ziyambi is now the Minister responsible for presenting the NPRC Annual Reports to Parliament, among many other functions articulated in the Act. While reassigning the administration of the Act may have been necessary given the gap left by former

Vice-President Mohadi, the NTJWG questions whether Minister Ziyambi is the best choice to take up this role. Under Minister Ziyambi's leadership, the Ministry of Justice, Legal and Parliamentary Affairs appealed a court ruling stating that the NPRC's mandate ends in 2028 and argued that it ends in 2023 instead, which may result in the NPRC operating only for five years and not the constitutionally envisioned ten years. Furthermore, Minister Ziyambi's utterances on the Gukurahundi and his position that the NPRC's mandate does not include addressing the Gukurahundi are of concern. Therefore, the NTJWG is worried that Minister Ziyambi's involvement with the Commission may be detrimental to the Commission's functioning.

2.4 President Launches Community Engagement Process on the Gukurahundi

Stakeholders have been calling for the resolution of the Gukurahundi since the atrocities were committed. However, the government ignored these calls until 2019 when President Mnangagwa rightfully acknowledged that the Gukurahundi still had not been resolved and thus had to be remedied. Since then, President Mnangagwa has engaged with some stakeholders through the Matabeleland Collective and the traditional leaders in Matabeleland. It must be noted that the President has consistently ignored stakeholders' calls for the involvement of the NPRC in these consultations despite the NPRC having the constitutional mandate to lead peace and reconciliation efforts. In 2020 after a meeting between the chiefs and President Mnangagwa, it was [reported](#) that the chiefs would take the lead in addressing the Gukurahundi.

On 17 October 2022, President Mnangagwa launched a consultative engagement process regarding the Gukurahundi facilitated by the chiefs. Notably, during the launch, the President of the Chiefs Council, Chief Fortune Charumbira, presented President Mnangagwa with a report on the Gukurahundi and a manual on how the chiefs will conduct the process. The report provides a background of the process so far, including details about the President's engagements with the chiefs regarding the Gukurahundi; it also highlights the effects the Gukurahundi had on communities and spotlights issues that must be addressed. Some of these issues include the need for: an apology; reparations; reburials, exhumations, memorials; consultation of victims, and social security benefits. While these are all critical issues that must be prioritised,

it is concerning that the issue of justice and accountability was not included, and the need to address the gendered aspects of the violations is also missing. Justice and accountability is a crucial aspect that facilitates reconciliation not only being perpetrators are held accountable for their actions, but it also acts as a deterrent to ensure non-recurrence. Gender is another important issue because of the prevalence of sexual and gender-based violence during the Gukurahundi. Therefore, it is doubtful that any process to address Gukurahundi may succeed without prioritising these issues. To read the full report, visit this [link](#).

The manual is designed to assist the chiefs in conducting community engagements on the Gukurahundi. It outlines the objects of the engagements, including identifying those directly and indirectly affected, fostering peace and reconciliation, and developing a national narrative of the past. It must be emphasised that while it is important for the nation to have a factual record of the past, this record must capture all views and not just the popular or preferred views. The motivation must be to create space for those affected to articulate their life experiences without fear of reprisals. The manual also identifies rape, sodomy, and torture; victims, lobby groups and activists, persons with disabilities, the elderly, and former combatants as groups requiring special attention. The manual also outlines different roles to be played by traditional leaders. The chiefs will coordinate the process, the headman will gather and disseminate information to

the community, and village heads will identify victims and hotspots. Among the other identified stakeholders are religious leaders, women's representatives, youth, elders, traditional healers, and counsellors. To read the manual please visit this link.

The NTJWG acknowledges the efforts that culminated in the production of this manual and notes that it provides a starting point for dealing with Gukurahundi. However, the manual has several deficiencies namely: it centralises a national issue; it limits the engagements to rural areas, seemingly suggesting that urban areas were not affected which is not the case; it does not address the concerns around witness protection which are crucial given the sensitivity of the Gukurahundi, the fear, and trauma that most victims still suffer from; it does not state which legal framework will be relied on in the engagement process and it is unclear what action the government of Zimbabwe is committed to taking after this process is completed. Therefore, while the manual is undeniably a much-needed starting point, it must not be regarded as a final document. Instead, communities and stakeholders such as civil society organisations who have been working with those affected by the Gukurahundi must be given the opportunity to provide their input and insights to improve the document. Furthermore, the NTJWG reiterates its call for the inclusion of the NPRC in this process as it is the only body constitutionally mandated to lead such a process.

2.5 Zimbabwe Independent Complaints Commission Act Enacted

On 21 October, the Zimbabwe Independent Complaints Commission (ZICC) Act [Chapter 10:34] was enacted. This Act was enacted primarily to give effect to section 210 of the Constitution of Zimbabwe, 2013 which provides that an independent and impartial mechanism must be established for the investigation of misconduct committed by members of security services. This implementation of section 210 has been long awaited and thus the enactment of this Act is a critical first step to ensuring the implementation of this section. Section 6 of the Act stipulates that the ZICC commissioners must be appointed by the President from a list of

nominees submitted to him by the Committee on Standing Rules and Orders of Parliament in terms of section 237(1) of the Constitution. The NTJWG, therefore, implores the Committee to ensure that it facilitates the nomination processes and public interviews transparently and without undue delay so the commissioners may be appointed and begin their work. The work that the ZICC is mandated to do is of great national importance thus the NTJWG emphasises the need for all stakeholders to support the Commission's work and refrain from making the discharge of the mandate difficult. You can read the full Act [here](#).

2.6 State crackdown on pro-peace advocates in Bulawayo

On 22 December 2022, Zimbabwe Republic Police officers blocked a peaceful march organised by Ibhetshu Likazulu, an NTJWG stakeholder which operates in Matabeleland and Midlands provinces around Gukurahundi. The peaceful march coincided with Unity Day commemorations, marking the end of Gukurahundi when former President Robert Mugabe and Joshua Nkomo signed the Unity Accord. However, contrary to the spirit of Unity Day, police officers descended on the gathering and arrested three pro-peace advocates participating in the march. This is the latest incident in which the State has unceasingly curtailed citizen-driven peace processes despite the inaction of the National Peace and Reconciliation Commission (NPRC).

The blocking of the march and the arrest of the trio shows the lack of will by the State to address Gukurahundi. It raises further questions on the sincerity of the chiefs-driven Gukurahundi community engagement programme. This criminalisation of Gukurahundi has been a long-standing position of the State that has divided citizens' efforts to resolve this dark pogrom in Zimbabwe's past. It is the position of the NTJWG that survivor-driven peace processes should be decriminalised as the first step towards meaningful discussions on peace.

3

NPRC ACTIVITIES

3.1 Social Cohesion Research

From 21 August to 4 September, the NPRC conducted Social Cohesion Index Research (SCORE) in Mashonaland West, Masvingo, Manicaland, Midlands, Bulawayo, and Matabeleland South. The research is expected to contribute to the enhanced social cohesion of the country. Regrettably, the NPRC did not provide

much information on this research on its website and social media platforms. In the future, the NTJWG recommends that the NPRC provides full information about such activities and considers providing online platforms for the public in which the research teams may not participate.

3.2 International Day of Peace Commemorations

Every year on 21 September, the world commemorates the International Day of Peace, and this year it was commemorated under the theme 'End Racism, Build Peace.' The NPRC customised this theme in commemorations and adopted a national theme, 'Promote inclusivity. Build Peace.' This theme was adopted, recognising that everyone has a role to play in building peace and that inclusion is key to building peace.

In commemoration of this important day, the NPRC ran a #BuildPeaceNow Twitter campaign. Every day for 30 days leading up to 21 September the NPRC posted peace messages by President Emmerson Mnangagwa to the GoZ's commitment to building peace. In every post, the NPRC tagged the handles of popular political parties such as

the Movement for Democratic Change Alliance, the Citizens Coalition for Change (CCC), and the Zimbabwe African National Union-Patriotic Front (ZANU-PF). The posted messages were in different languages, including English, chiShona, isiNdebele, Venda, Nambya, and Tonga. It is encouraging to see the NPRC creatively using social media platforms to popularise its work in this manner. The NTJWG applauds the NPRC's inclusive approach to using different languages, given the diversity of the NPRC's targeted audience. This is a good approach that the NPRC must strive to upload going forward. However, the NTJWG is concerned by the NPRC's choice to centre its peace messaging on the President and political parties. As reflected in the NPRC's theme for the day, everyone can contribute to building

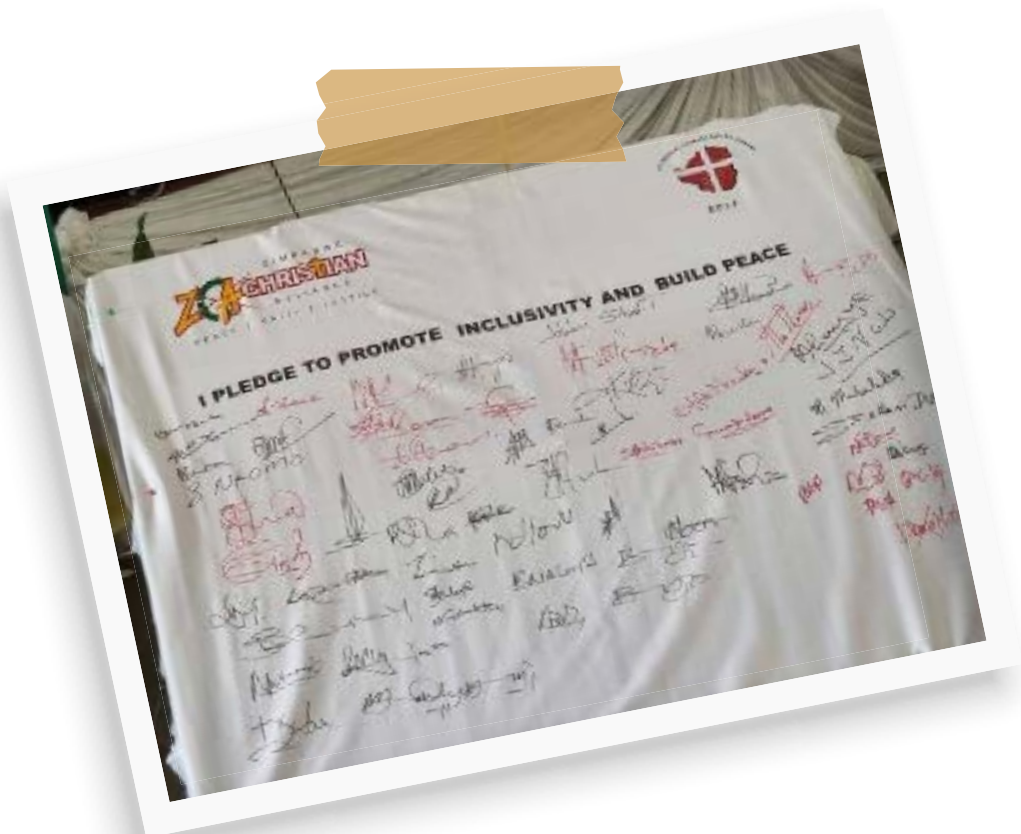
peace thus it would have been ideal for the posted messages to reflect different voices from other independent commissions, civil society, victims and survivors, the media, religious groups, and Parliament. Historically Zimbabwean solutions to the lack of peace have been political as shown by the Unity Accord of 1987 and the Government of National Unity in 2009. The NPRC must move away from this trend and recognise that all Zimbabweans contribute to building peace and their peace messages must be amplified too.

On 21 September, the NPRC published a statement noting that the International Day of Peace commemorations were an opportunity for the Commission to reflect on how it can foster tolerance and social cohesion to generate national interest in peace. Commemorative events were held in different parts of the country, including Gweru, Bulawayo, and Mutare. During the commemorations, the NPRC Chairperson, Retired Justice Nare implored Zimbabweans to engage in peaceful conduct even during elections. The NPRC collaborated with the Ecumenical

Church Leaders Forum for the Bulawayo event. During the commemorations, a pledge to promote inclusivity and build peace was signed by the Minister of State for Provincial Affairs and Devolution for Bulawayo Ms Judith Ncube, the NPRC Chairperson, and representatives of political parties and churches.

The NTJWG applauds the NPRC's efforts to commemorate the International Day of Peace this year. The decentralisation of the festivities is particularly commendable given the calls the NTJWG has reiterated previously for the NPRC to increase its visibility in different parts of the country. The NTJWG encourages the NPRC to adopt this approach when it eventually begins its direct engagements with victims, survivors, and their families in communities. Furthermore, it is important for the NPRC to include rural communities in their planning and not restrict their commemorative and other activities to urban areas, which may not be easily accessible to all survivors.

Below are the NPRC's commemorations in pictures



3.3 Meeting with Parliamentary and Senate Peace Champions

From 28 to 29 September, the NPRC met with parliamentarians and senators who have taken up the role of peace champions. During his opening remarks, Retired Justice Nare, the NPRC Chairperson, highlighted that as the nation heads towards elections, lawmakers must work with the NPRC and rally the nation towards peaceful elections. Honorable Misheck Mataranyika, the Chairperson of the Parliamentary Portfolio Committee on Justice, Legal and Parliamentary Affairs applauded the lawmakers for choosing to work with the NPRC to lead the process of ensuring peace in the country and highlighted that the importance of peace could not be overemphasised. Among those who made presentations was the NPRC Executive Secretary Ms Sibusisiwe Zembe presented strategies for engagement with peace champions and their terms of reference detailing the role, they will play as peace champions.

The NTJWG echoes Honorable Mataranyika's sentiments acknowledging that the senators and parliamentarians who have taken up the task of being peace champions have the potential to do the country a great service. It is, therefore, incumbent on them to work with all stakeholders to foster peace and to engage with their constituents regularly to gain insights on how peace can be fostered in their communities. The NTJWG congratulates the NPRC on this initiative and urges the Commission to effectively engage with Parliament through these peace champions to bring about legislative and policy reform that will ensure the past is dealt with and sustainable peace.





Figure 3 - Participants from Parliament and the NPRC

3.4 NPRC Decentralisation

Since the operationalisation of the NPRC in 2018 stakeholders have called for its decentralisation noting concerns by communities that the NPRC was invisible at the grassroots levels that communities have access to. To address the concerns, in 2019, the NPRC established offices in Bulawayo, however, this did not fully address the concerns. The NTJWG is happy to note that the NPRC has decentralised further by establishing offices in Mutare, Gweru, Masvingo, and Chinhoyi and plans to establish another office in Bindura. This was announced by Commissioner Tinashe

Rukuni speaking at the Electoral Reforms Audit Symposium hosted by the Zimbabwe Election Support Network on 19 October. Commissioner Rukuni also highlighted that the NPRC plans to establish district offices. The NTJWG congratulates the NPRC for making these strides in ensuring the decentralisation of its operations. Decentralisation must be prioritised because it is key to making it more accessible for survivor communities.

The contact details for each of the NPRC offices are available below:



3.5 Raising Awareness on the UN Security Council Resolution 1325 on Women, Peace, and Security

In 2000, the UN Security Council adopted Resolution 1325 on women, peace, and security. This was a landmark resolution reaffirming the important role of women in the prevention and resolution of conflicts, peace negotiations, peacebuilding, peacekeeping, humanitarian response, and in post-conflict reconstruction. It also emphasises the importance of the equal participation of women in efforts to maintain and promote peace and security. On 8 November, the

NPRC hosted a meeting to raise awareness of Resolution 1325. Speaking during the meeting, Commissioner Chiropafadzo Moyo stated that the NPRC views the resolution as a guide to gender-inclusive peacebuilding as it calls for the need to increase women's participation in peacebuilding, peacebuilding. She added that considering the upcoming 2023 elections, the NPRC was prioritising implementing conflict prevention initiatives which include calling for

an end to conflict-related gender-based violence. Commissioner Moyo's remarks are timely and show the NPRC's appreciation that electoral violence in Zimbabwe also has a gendered nature which must be addressed before violations recur in 2023. It is incumbent on the NPRC to ensure that it includes political leaders in its initiatives

targeting the end of gender-based violence during elections because it is perpetrated by their supporters sometimes with their approval. Therefore, for the call for an end to gender-based violence during elections to be heeded, there must be targeted engagements with politicians.

3.5 Facilitating Intergenerational Conversations on Peace

Between 31 October and 4 November, the NPRC convened two consultative meetings on Zimbabwe's National Action Plan on Youth, Peace, and Security. The meetings were attended by representatives from the Ministry of Youth, Sport, Art and Recreation, the Zimbabwe Youth Council, United Nations Women, youth organisations, and the Zimbabwe National Steering Committee on the Action Plan on Youth, Peace, and Security. During her remarks delivered during the first meeting held in Bulawayo, Commissioner Nomaqhawe Gwere highlighted that the NPRC and other stakeholders have long called for efforts to strengthen youth participation in peace-building processes thus the development of the action plan was a positive step. Attending the consultative meeting in Harare the Acting Deputy Director of Youth Development and Empowerment, Ms **Theresa** Mupanduki added to this by emphasised the need to sensitise key community actors including the youth to sustain and promote peace in their respective communities. The NTJWG commends the efforts by the NPRC to develop this plan which will aid youth engagement and participation in peace processes in Zimbabwe. Taking a proactive approach to ensure that the youth of Zimbabwe

become agents of peace and not violence is key to building sustainable peace in Zimbabwe. The NTJWG encourages the NPRC to ensure that its consultations are conducted in an inclusive manner that enables youths from different walks of life to participate and shape the direction the NPRC will take moving forward. As such the NTJWG urges the NPRC to conduct similar consultations in remote areas and not limit them to big cities and provincial capitals.



Figure 4 Participants attending the consultative meeting in Harare

Children are one of the most vulnerable groups in situations of conflict despite this, their views are often not sought or not given adequate consideration in peacebuilding efforts. As a result, intergenerational conversations on peace and building sustainable peace are lacking leading

to the recurrence of human rights violations and conflict. Noting the importance of including children in peace-building conversations, on 25 November the NPRC met with the Junior Mayors and Town Clerks forum in Harare. During this engagement the NPRC made a presentation focused on defining peace, discussing the role of children and youth in peacebuilding, and outlining the opportunities available for children and youth within the NPRC framework. The NTJWG applauds the NPRC for this initiative which is key to concretising future generations on the importance of peace and engraining the need for them to be agents of peace in everything they do. The NTJWG hopes that this engagement will be the first of similar engagements across the country. Furthermore, the NTJWG implores the NPRC to partner with stakeholders working on similar initiatives as this will increase the impact of these efforts.



Figure 5 Junior Mayors and Town Clerks Participating in Engagement Facilitated by the NPRC

4.1 1 August Commemorations

Every year since 1 August 2018, the NTJWG has carried out various initiatives to remember the six people who tragically lost their lives and to stand in solidarity with those who were injured during the 2018 post-election violence. This year, the NTJWG produced a statement and a memorial video in commemoration of 1 August. To know more about what transpired in the lead-up to, during and after 1 August 2018, visit the memorial video. Among the recommendations

made by the NTJWG in its statement titled 'Waiting for Justice: Remembering the victims and survivors of the 1 August 2018 post-election violence, the NTJWG called for the GoZ to fully implement the Motlanthe Commission of Inquiry recommendations and for the NPRC to resume the inclusive national dialogue process and the ahead of the 2023 elections. This will help to prevent the non-recurrence of the 2018 violence. To read the full statement visit this link.

4.2 Untold Truths in Zimbabwe: Stories of Injustice Through the Eyes of the Survivors Documentary Screening

Documentation of the past is critical to building a national memory that captures different narratives. In this regard, the NTJWG has been documenting the stories of victims and survivors of past violence and their families to inform the production of knowledge tools such as reports, factsheets, and documentaries. As part of these efforts, the NTJWG produced a documentary titled 'Untold Truths in Zimbabwe: Stories of injustice through the eyes of the survivors.' The documentary comprises the stories of five survivors of electoral violence, the Gukurahundi, and Operation Murambatsvina, from all regions in the country. In the documentary, the survivors share their stories, how the violence

"That is the day I was supposed to die"

UNTOLD TRUTHS STORIES OF SURVIVORS

DOCUMENTARY SCREENING

they experienced affected them, and how they would like their experiences to be addressed to enable them to heal. On 12 August 2022, the documentary was screened at Carltech Cinema in Mutare. In attendance at the screening were civil society representatives from Mutasa Youth Forum, Zimbabwe Human Rights Association, Zimbabwe Political Victims Foundation Trust, and survivors of different epochs of human rights

violations. Given the emotional stories shared in the documentary, the Counselling Services Unit also attended to provide psycho-social support for the participants. Through the screening, the NTJWG managed to raise awareness of the concerns and needs of victims and survivors of past violations. You can access the documentary on this [link](#)

4.3 Community Dialogues

From 31 August to 29 October 2022, the NTJWG convened five community dialogues in Nyanga, Lupane, Maphisa, Chiundura, and Plumtree for survivors and victims of past violence on how to monitor and engage with the NPRC effectively. The dialogues served to raise awareness among survivors on the mandate of the NPRC and the channels available to them for engaging with the past and receiving redress. Through the five dialogues, the NTJWG reached 321 people and after the dialogues they had:

- Increased awareness of the NPRC and NTJWG;
- Increased knowledge of human rights violations and complaints reporting procedures of the NPRC;
- Access to knowledge products such as factsheets on the NPRC which were distributed during the dialogues; and
- Enhanced motivation and enthusiasm to engage with the NPRC.



Figure 6 Participants Attending a Community Dialogue in Nyanga

4.4 Strategy Meeting with Editors

One of the NTJWG's current strategic priorities is building a critical mass for the advancement of transitional justice in Zimbabwe. This priority is informed by the realisation that the advancement of transitional justice in Zimbabwe requires a collective effort from all transitional justice stakeholders. The NTJWG thus recognises that the media is a critical stakeholder in transitional justice, which plays an important role in information dissemination and shaping public discourse. In that vein, on 31 August 2022, the NTJWG convened a meeting with nine newspaper editors. This meeting served to introduce the editors to transitional justice and the NTJWG. The editors were sensitised on the NTJWG's thematic areas, which are gender, justice,

accountability, promotion of truth, institutional reform, reparations, and memorialisation. They were also informed of the principles guiding the NTJWG's work, including victim-centricity, inclusion, healing, and non-recurrence. Although the NTJWG had an existing relationship with media practitioners, this engagement was necessary to strengthen it and establish a partnership within which the NTJWG and the media may collaborate to advance transitional justice. The NTJWG is grateful to the editors who were in attendance for their willingness to engage and encourages other transitional justice stakeholders to recognise the importance of the media and work with it as a critical partner.

4.5 Commemoration of the International Day of Peace

Every year, the NTJWG joins the rest of the world in commemorating the International Day of Peace, reflecting on the state of peace in Zimbabwe and what can be done to foster sustainable peace. This year the NTJWG published a [statement](#) titled 'National Peace: My Responsibility, Your Responsibility.' In the statement, the NTJWG called on all Zimbabweans to view fostering peace and maintaining it as a personal responsibility that they all bear. Furthermore, the NTJWG called upon the GoZ to ensure accountability for past violence and the NPRC to engage communities to assist them in resolving conflicts that undermine peace.

The NTJWG recognises that although peace is a collective responsibility, young people's voices are often missing from peace discourse. In Zimbabwe, they have often been used to perpetuate intolerance as well as perpetrate violence, and their potential as agents of peace remains largely under-appreciated. To break away from this trend, this year the NTJWG organised an

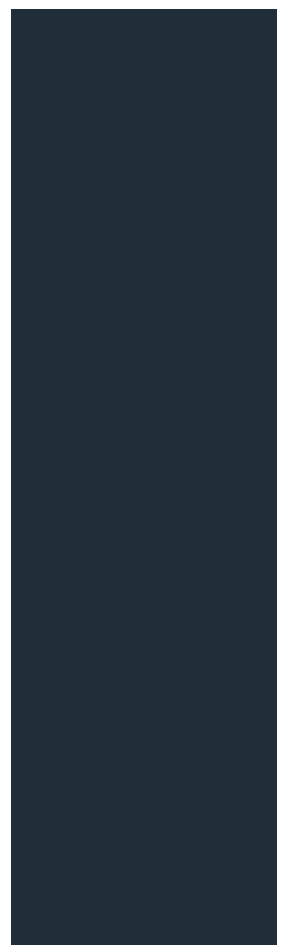
essay competition for high school students who were called upon to submit essays describing their idea of peace and how they can contribute to building peace in their communities. From the 73 essays submitted by students in different parts of the country, the best 3 were chosen and the students were honoured during a ceremony held in Bulawayo as part of the International Day of Peace commemorations. Makanaka Mvundura (17) from Sanyati Baptist High School was awarded the first prize, Thandiwe Chakamanga (16) from Dominican Covent High School in Bulawayo got second prize and Stacey Mketiwa (15) from Waterfalls Adventist High School in Waterfalls, Harare came third. You can view the full proceedings of the ceremony [here](#) and you can read the essays by the top two entrants in the Featured Articles section below.

As part of the commemorations, the NTJWG also debuted a song titled 'Peace and Harmony' by Tinashe Makura calling for unity and tolerance of divergent views. The song may be accessed [here](#).

After the awards ceremony, NTJWG members Mr Mbuso Fuzwayo of Ibhethshu Khazulu and Mr Temba Chiveya of the Zimbabwe Human Rights Association reflected on the state of peace in Zimbabwe raising concerns regarding the

prevalence of negative peace in Zimbabwe and highlighted that sustainable peace will only be realised when the past is addressed. The videos with their reflections may be accessed [here](#) and [here](#).

NTJWG International Day of Peace Commemorations in Pictures



4.6 NTJWG CSOs Meeting with Political Leaders

Zimbabwe's history of violence is primarily a consequence of political conflicts and intolerance thus, political leaders must play a leading role in Zimbabwe's transitional justice efforts. This is because their leadership positions enable them to encourage their supporters to be more tolerant and solve political conflicts without resorting to violence. Recognising the importance of political leaders in transitional justice, on 23 September, the NTJWG partnered with the Zimbabwe Council of Churches to convene a dialogue with political actors focused on peace and elections. Among the participants were representatives from the political parties such as the Movement for Democratic Change – Alliance and the Citizens

Coalition for Change; chapter 12 independent commissions such as the Zimbabwe Media Commission, Zimbabwe Human Rights Commission, and the Zimbabwe Gender Commission. The Zimbabwe Republic Police Assistant Commissioner and Spokesperson Paul Nyathi were also in attendance. Some of the key takeaways were that there is a need to: invest in addressing the past to ensure the non-recurrence of electoral violence; promote multi-culture democracy; ensure non-partisan policing; and rebuild trust in national electoral processes and national institutions.



Figure 7 - Participants attending the Meeting with Political Leaders

4.7 Radio Program on Gukurahundi Public Hearings

On 18 October the NTJWG hosted a radio program on Skyz Metro FM to discuss the views of transitional justice stakeholders on the ongoing efforts to resolve the Gukurahundi. The panellists were Mbuso Fuzwayo from Ibetsu Likazulu, Zenzele Ndebele from the Centre for Innovation & Technology, and Shari Eppel the NTJWG Memorialisation Thematic Leader. Some of the issues raised by the panellists during the discussion are:

- It is difficult to ascertain the sincerity of the decision to launch the Gukurahundi public hearings given that the decision was taken without adequate consultation with communities. However, they noted that the hearings still presented an opportunity for engagement which could be used to address the Gukurahundi;
- The decision to usurp the NPRC's mandate to address the Gukurahundi and give the mandate to the chiefs is confusing survivors who know the NPRC as the primary body dealing with national peace and reconciliation issues. They also noted with concern the NPRC's silence

despite the usurping of its constitutional mandate;

- The lack of a legal framework outlining how the chiefs would conduct the hearings and what steps would be taken during and after the hearings is concerning because it presents uncertainty in terms of where the chiefs derive their legitimacy to conduct the hearings which may have legal implications.
- There is a need to address the Gukurahundi issue as a national concern and in line with best international practices which include the provision of remedies for victims.

The NTJWG urges the chiefs to consider the issues raised by the panellists and factor them in before conducting any hearings to ensure that the process is conducted in line with the expectations of stakeholders. Yet again, the NTJWG reiterates its call for the NPRC to be more visible in the ongoing discourse on the Gukurahundi in line with its constitutional mandate.

4.8 Factsheet on the Role of State Actors in Transitional Justice in Zimbabwe

The Constitution of Zimbabwe, 2013 establishes the NPRC as the primary body responsible for leading Zimbabwe's national peace and reconciliation efforts. However, the NPRC does not operate in a silo and different stakeholders have varying roles to play in ensuring the NPRC's success. Some of these stakeholders are the judiciary, the executive, and the Parliament which make up the government of Zimbabwe. In a factsheet published on 31 October, the NTJWG outlined the roles that each branch of the government plays in transitional justice in

Zimbabwe. Some of the roles highlighted were as follows:

1. Parliament makes laws and has oversight over the actions of the executive as well as the NPRC. Parliament can thus contribute to transitional justice by making laws that enable the country to deal with the past. Furthermore, Parliament is empowered to hold the executive and the NPRC for action as well as inaction regarding addressing the past.

2. The executive plays a key role in transitional justice because it develops the national budget, develops, and implements policies and the President appoints the NPRC Commissioners. In this way, the executive not only determines who leads the NPRC but also the resources allocated to the Commission as well as ensuring that the Commission's recommendations are reflected in policy and implemented.
3. The judiciary plays a key role in ensuring justice is served in cases of human rights violations. Furthermore, the judiciary interprets the law, and it is obligated to do so in a manner that is consistent with the Constitution.

You can read more about how these three branches of government may contribute to transitional justice in Zimbabwe [here](#).

4.9 Commemorating the International Day of Tolerance

Every year, the NTJWG joins the UN and the rest of the world in commemorating the International Day of Tolerance on 16 November. This year the NTJWG commemorated this day under the theme 'Embracing Diversity Through Tolerance' and condemned politically motivated violence. The

NTJWG went on to call on everyone to be more tolerant of divergent views and opt to resort to dialogue instead of violence to foster sustainable peace. You can read the NTJWG's full statement [here](#) and watch the commemorative video [here](#).

4.10 Commissioning Street Mural

As part of the NTJWG's efforts to advocate for peace in communities in a creative manner that appeals to different groups in society, the NTJWG commissioned the production of a street mural in Unit H in Chitungwiza. This mural emphasises the

interconnectedness of everyone in the country and calls for peace above all else. This simple message is important particularly considering the upcoming elections given Zimbabwe's history of past violence.

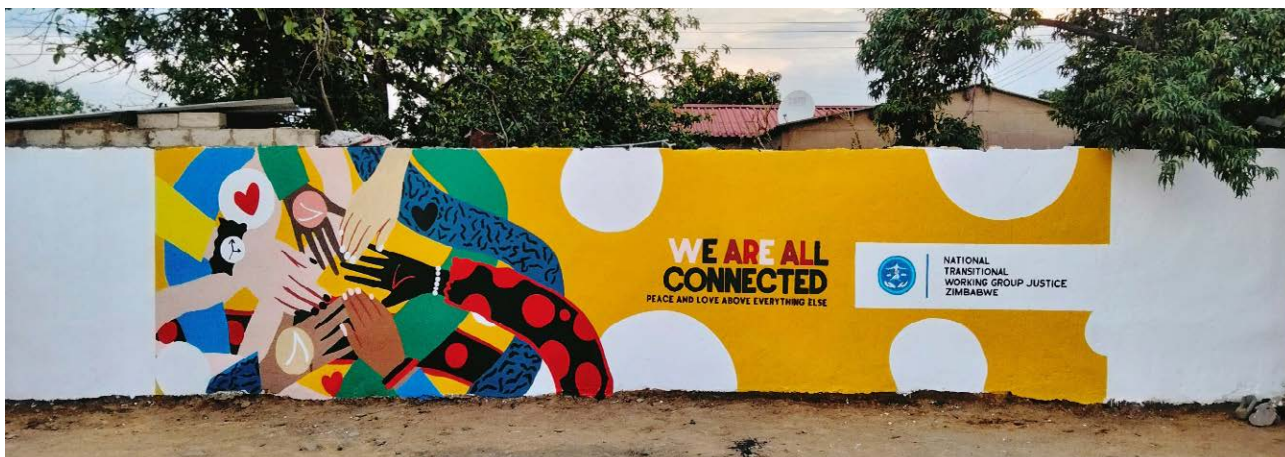


Figure 8 NTJWG Mural

5

TRANSITIONAL JUSTICE STAKEHOLDERS IN ACTION

5.1 Organised Violence and Torture In Zimbabwe Since 2019 Report Launch

On 30 September, the Research and Advocacy Unit, Heal Zimbabwe Trust, the Zimbabwe Human Rights NGO Forum, Counselling Services Unit, and Veritas launched the Organised Violence and Torture In Zimbabwe Since 2019 report. The report concludes that organised violence and torture have not been eradicated since President

Mnangagwa came into power in 2017. Harare is identified as the area in which violations are most prominent. Ultimately, the report concludes that there has been no change in terms of observation of human rights in Zimbabwe under the New Dispensation. The full report may be accessed [here](#).

5.2 Book Publication Award for Dr Dumisani Ngwenya

The NTJWG wishes to congratulate Dr Dumisani Ngwenya for the publication of his book 'Healing the Wounds of Gukurahundi in Zimbabwe.' Dr Ngwenya has engaged with the NTJWG in his role as the Director of Grace to Heal, a Bulawayo-based NTJWG member. Through his engagements, he has shared his insights on the Gukurahundi in particular and transitional justice issues in general. Dr Ngwenya was rightfully honoured by the Durban University of Technology which awarded him a book publication award for his book. The NTJWG applauds Dr Ngwenya for his efforts to contribute to knowledge on the Gukurahundi. To access the book please visit this [link](#).



Figure 9 - Dr Dumisani Ngwenya

5.3 New UN Special Rapporteur on the Rights of Internally Displaced Persons Appointed

The NTJWG celebrates the appointment of Ms Paula Gaviria Bentancur as the Special Rapporteur on the human rights of internally displaced persons by the UN Human Rights Council. Ms Gaviria Betancur assumed her mandate on 1 November 2022. She is a Colombian human rights lawyer and forced displacement expert. In 2020, Ms Gaviria Bentancur attended the NTJWG policy dialogue on reparations and shared the Colombian experience of dealing with the past. The NTJWG wishes Ms Gaviria Bentancur well in her new role and looks forward to future engagements.



Figure 10 Ms Paula Gaviria Bentancur

6

REGIONAL DEVELOPMENTS: AFRICAN COMMISSION ADOPTS FIRST AFRICAN INSTRUMENT ON ENFORCED DISAPPEARANCES

The NTJWG celebrates the adoption of the first African instrument on enforced disappearances by the African Commission on Human and Peoples' Rights. The [Guidelines for the Protection of All Persons from Enforced Disappearances in Africa](#) were adopted on 13 May 2022, at its 71st Ordinary Session in Banjul, The Gambia. The adoption of the Guidelines is attributable to the efforts of different organisations which have

been working to spotlight the problem of enforced disappearances in Africa. Although not a legally binding instrument, the guidelines go a long way in fighting for justice for victims of enforced disappearances. The need for this instrument in Zimbabwe is indisputable given that more than 70 government critics were [reported](#) to have been abducted by unidentified people suspected to be state agents in 2020 alone.

For the featured articles this quarter please see below the top two essays submitted in the International Day of Peace competition.

7.1 Essay by Makanaka Mvundura

Resting in the beautiful scenery, I stared at the picture of Nyangani mountain taken by a famous photographer. The silent giants rested peacefully in the background. Mesmerising and awe-striking but easily outshined by the beautiful girl smiling. The picture itself may seem unimportant but the message it gives demands attention. Happiness is clearly shown, and the girl is at peace with the environment. Most fail to notice what's hidden under their noses when looking at such forms of art. They are like me, quick to judge and slow to understand.

Each form of art tells a story and it's up to us to understand. The word peace itself may simply imply that one may be in harmony with his or her environment. Well I often wondered; how can one be at peace? How can I say that peace is a must when I don't even know how to get along with my sibling?

I remember when my grandmother used to tell me about how life was in the old days. How they would work in the fields whilst the males would go hunting. How they went to the chief's homestead to get their disputes solved. She said everything was peaceful and life was amazing. I would always ask myself what the difference was. How was life in the old days different from ours, that we fail to live in peace every day? Is it the technology or the times that are changing? Or

is it the new laws and rules that have changed? Are they too lenient or too harsh?

Moving to the next painting. It was a beautiful mural that stretched and covered two walls. My eyes caught sight of a woman who had a toddler strapped on her back. She was holding another whilst balancing a simple blue "Tshangani" bag on her head. She was in the midst of the crowd. Fear was written on her face, I moved and looked at the next part.

Men and women could be seen fleeing for their lives. The artist had used red in the background clearly showcasing the bloodshed. People armed with guns walked toward the fleeing crowd. Some could be seen firing guns in the air, their agape mouths shouting some threatening words. That was lost in the artist's imagination when he expressed his side, of what seemed to be war at its ugliest faces. It looked like a scene out of one's imagination and fictional. Though deep-down I felt as if it was real and seemed to have occurred, I just did not know where.

Dead bodies were all over the place. I could feel my stomach churn. What left me speechless was a young child holding a rifle armed for battle. The pen name of the artist was written at the bottom left "Andre Jesse". Looking closely at the young rebel, I realised that he looked like he was the same age as my young sister.

I then recalled an article I read by a famous writer. It was about the civil war that happened in Ireland. The war had made families turn against each other. It became sibling against sibling and

parent against child. The war had left thousands homeless, and thousands lost their lives as well. Just like the Chimurenga war that occurred almost five decades ago. Many lost their lives.

Compared to peace, war gives people the chance to release their bottled-up feelings. Anger and hate pave the way causing destruction everywhere it goes. People believe opting for peace shows weakness. That if you try to avoid a fight you are a coward. Most lost their lives trying to prove a point.

As I exited the gallery, my heart ached when I put myself in their shoes. Living a life fearing that I might never see the next sunrise. Having to constantly pray for the well-being of my peers. Living in the false hope that they may survive only to be disappointed one day. It kills one's spirit slowly. It makes us lament about our non-existing sins and wish for death only to be disappointed. Most may flee and become refugees in other countries. They end up feeling lonely and end up homesick. This can only be cured by going back home. A home that will be filled with the stench of death hunted by the souls of the innocent.

Peace is more beautiful than war. It is when I see the casual whistling of a neighbour wishing his listeners a good morning. I realise that life is more wonderful this way. The birds sing sweetly each morning. The laughter of the kids, as they

play the popular Hopscotch. The cars hoot at each other early morning during the usual traffic jams. The usual singing of the national anthem early morning on the usual 6 am morning show at my favorite radio station.

It reminds and shows me that there is a life to live for, spending every day with my family and enjoying every single minute is worth it. Peace unites people from two insignificant siblings to a large and diverse global community. It teaches the importance of living in harmony and also indicates that even the biggest fights can be solved.

Tomorrow belongs to the youth of today. We can change it and make it peaceful. Or influence the people around us and promote violence. Peace starts by stopping the widespread abuse of drugs and various substances. By being entrepreneurs of tomorrow and showcasing our talents to the world. We can think beyond the box and find solutions to the problems we face today. We can help our fellow brothers and sisters by facing addiction.

As future leaders, we can help one another see the importance of education. The importance of working hard to get something instead of stealing from others. The world is a beautiful place, and it is up to us to show them the beauty it possesses.

7.2 Essay Submitted by Thandiwe Chakamanga

Name: Thandiwe Amel
 Surname: Chakamanga
 Age: 16
 Form: Four
 School: Dominican Convent Bulawayo
 Phone Number: 0773 931 260

Topic: WHAT PEACE MEANS TO YOU AND HOW AS
 A YOUNG ZIMBABWEAN YOU CAN CONTRIBUTE
 TO IT.

She never knew what peace was. Chaos surrounded her wherever she went. She waited ever so patiently but peace never found her.

She would wake up in the morning to the loud honks of the buses and the taxis, the whistling of the milk man and the yelling of the local bread boy. She listened to her parents argue through out the morning and she carried that chaos to school.

She looked for peace at school, where she had hoped she would find it and escape her chaotic reality. She could not find it. Everyone around her seemed scared, terrified even of the unknown. Terrified of what others think of them, terrified at the mention of examinations and terrified of someone noticing the zits on their faces. Anxiety roams. Peace would never find her in a place where peace has found

no one. She developed hobbies to distract herself. She thought peace had finally found her but these hobbies were only temporary "highs" where she could let out all her frustrations and chaos onto a small green tennis ball and the player right in front of her.

On Sundays she would go to church. Here she was most definite she would find peace. She was hence throughout service, she felt impure, she felt like a sinner, she felt like God could never forgive her. Once again peace did not find her. She tried to run, to meditate, to reflect, to socially interact with other and yet still peace did not find her.

What she did not realize was that peace was always around her but inside her. So she tried again but this time with an open eye, an open mind and an open heart. She woke up to the beautiful buzz created by the community around her. She heard the joyful traditional music coming from taxis, she heard the loud chuckle coming from the breadboy.

She saw her parents having a conversation and she held both their hands and told them she loved them and she carried this peace to

school. She admired the friendship she had developed with these children who at first were just strangers. She grew fond of the teachers who had become her parents and the school that had become her second home. She went for tennis practice and appreciated every bit of it.

She went again to church on Sunday ready to accept Jesus Christ as her Lord and Saviour. She accepted had done wrong but she wanted to do better. After spending some time alone she realized that she had been living in her head, the cross had been living in her head. She stopped waiting for peace to find her instead she found peace, I found peace.

I realized that the madness that I thought surrounded me in actuality only existed within me. I had to first deal with the man in the mirror. How could I spread the peace that I did not have myself?

Peace means to me the ability to change the things that I can about myself and accept the things that I cannot change all whilst helping those around me to change their bad habits and to accept their flaws. Peace means to me the ability to co-exist and compliment each other even though we are

So different in many ways from the colour of our skin to our different up-bringsings.

Peace is able to conquer when we are patient with each other, we listen to each other and we accept each other. As a country we should all strive for peace because our ancestors surely did not win us independence only to lack peace and be at war, let alone at war with ourselves.

The dictionary defines peace as "freedom from disturbance" and to truly find tranquility and remove disturbance from the community we need to remove disturbance from ourselves first. We need to be at peace with ourselves first. We need to let go of childhood traumas, to let go of anxiety and stress. I understand that this is a lot easier said than done but as a young Zimbabwean I believe through unity we can find peace.

We can start awareness ~~campaigns~~ campaigns and friendly walks to advocate on the importance of mental well being so that peace can be around us and within us.

Feedback on this Report

If you would like to have your article featured in this report or you would like to share your feedback on the content that we have just shared with you please email media@hrforum.co.zw,

To view or download the publications produced by the NTJWG visit: <https://www.ntjwg.org.zw/publications/>

About the National Transitional Justice Working Group (NTJWG)

The National Transitional Justice Working Group (NTJWG) 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.

NTJWG shares with all transitional justice stakeholders the vision for a peaceful, just, accountable, and democratic society. Its purpose is to facilitate consensus among transitional justice actors on appropriate transitional justice principles and processes for Zimbabwe.

Its mission is to create an inclusive space for the coordination of transitional justice stakeholders, share experiences; build synergies

for comprehensive, accountable, victim-centred, and participatory transitional justice processes in Zimbabwe.

In pursuit of this vision, the NTJWG will be guided by the following values:

- **Integrity:** Professionalism, Commitment, Truth, Transparency, Diligence, Honesty, Confidentiality
- **Inclusivity:** Involving everyone regardless of sex, race, ethnicity, age, sexuality, belief, ideology, and geography
- **Impartiality:** Non-partisanship, Independence, objectivity

