



**NATIONAL
TRANSITIONAL JUSTICE
WORKING GROUP
ZIMBABWE**



**ANNUAL
REPORT
2017 - 2018**

TABLE OF CONTENTS

| | |
|--|----|
| MESSAGE FROM THE CHAIRPERSON | 1 |
| EXECUTIVE SUMMARY | 3 |
| ABOUT NTJWG | 5 |
| NTJWG AT A GLANCE | 6 |
| PUBLICATIONS | 7 |
| i. 2018 Transitional Justice Policy Symposium Report | 7 |
| ii. Brief Symposium Social Media Report | 8 |
| iii. State of Transitional Justice in Zimbabwe 2018 Report | 10 |
| iv. Crimes against Humanity Alert! | 10 |
| v. NPRC Briefing - November 2018 | 11 |
| vi. NTJWG Pre-Election Transitional Justice Briefing | 11 |
| vii. NPRC Watch 4th Edition, 2018 | 12 |
| viii. NPRC Watch 5th Edition, 2018 | 12 |
| ix. NPRC Watch 6th Edition, 2018 | 12 |
| x. A Guide to Understanding the NPRC 2018 | 13 |
| xi. The 2018 NPRC Briefing | 13 |
| xii. The 2018 Executive Briefing | 13 |
| xiii. January to March 2018 Newsletter | 14 |
| xiv. June to September 2018 Newsletter | 14 |
| xv. October to December 2018 Newsletter | 14 |
| CONTRIBUTIONS TO THE NTJWG BLOG | 15 |
| NTJWG ON SOCIAL MEDIA | 16 |
| NTJWG STAKEHOLDERS IN ACTION | 17 |
| TRACKING THE WORK OF THE NPRC | 20 |
| THE ZIMBABWE HUMAN RIGHTS NGO FORUM TAKES THE NPRC TO COURT | 22 |
| WHAT WAS SAID ABOUT THE TRANSITIONAL JUSTICE SYMPOSIUM | 24 |
| REVISITING THE NPRC CONSULTATIVE MEETINGS | 26 |

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In 2018 the NTJWG remained committed and focused on facilitating and contributing to the national peace and reconciliation process in Zimbabwe. During the reporting period, the NTJWG has made itself available to the call to coordinate the work on transitional justice in Zimbabwe. At the country's most critical and vulnerable moment, the NTJWG increased its membership to ninety-nine members to achieve a milestone and build a movement to encourage our nation to confront its past with courage and resilience.

MESSAGE FROM THE CHAIRPERSON

Faced with a myriad of difficulties, we have seen progress from both government and civil society. As we conclude the year 2018, we look back on the obstacles that we navigated, through various collaborative efforts among stakeholders.

While the year 2018 saw some significant improvements and movement on the front of transitional justice. On 5 January 2018 President E.D Mnangagwa signed into law the NPRC Bill which operationalised the National Peace and Reconciliation Commission. This was followed by the first community consultative meetings by the Commission in February 2018.

On 1 March 2018, the Chairperson of the NPRC, Justice Selo Nare was appointed. Despite the challenges incurred by the Commission, it managed to navigate the steep terrain and show that it was up to the task. In May 2018, NTJWG, because of the work of stakeholders, was privileged to be invited to the National Convergence to discuss some pertinent issues concerning national peace and reconciliation.

Given that it was also an election year, the NTJWG commends the NPRC in trying to manage conflict by bringing all political actors to the peace pledge starting in Harare and going to the rest of the country. Notwithstanding the 1 August 2018 shootings in Harare the NTJWG acknowledges the NPRC's Commission's efforts to manage conflict in the run-up to the 2018 elections.

Furthermore, the NTJWG participated in the launch of the NPRC's launch of its five-year strategic plan on 18 October 2018, which outlined the Commission's strategy in the next five years. The discussions were candid, honest and fruitful.

In November 2018 the NTJWG hosted the National Transitional Justice Policy Symposium in Bulawayo which was attended by at least 118 delegates representing various stakeholders from government, civil society, faith-based organisations, regional and continental partners. The NPRC and Zimbabwe Human Rights Commission were represented by Commissioners and Chairpersons, which was also an indication of

the excellent working relationship the NTJWG has with official human rights and transitional justice processes in Zimbabwe.

We left the symposium with a draft national transitional justice policy framework and ended the year, continuing to consult stakeholders on its content. Engagements continued at different levels, and we welcome all the input from various stakeholders.

Bearing in mind the ground covered in 2018, we appreciate the unwavering support from our stakeholders and funding partners; your contributions are invaluable and pivotal in achieving our mandate. The same applies to the NTJWG Secretariat for their commitment to service.

Mr. Alec Muchadehama
NTJWG Chairperson



The NTJWG regards the adherence to the rule of law even in matters that look simple such as the composition of the NPRC as being very critical.

EXECUTIVE SUMMARY

The reporting year 2017 - 2018 was characterised by groundbreaking activities for the NTJWG. The social, political and economic environment in Zimbabwe during the reporting period was also laden with a lot of developments. On the 14th of November, 2017 Zimbabwe experienced a military coup which deposed the long-standing President Robert Mugabe from the Presidency. Fears of war and excitement of the removal of the geriatric caused confusion among citizens. Events that followed removed Mugabe from power and his erstwhile comrade Emmerson Mnangagwa took over forming a “caretaker” government that would lead to a general election on 30 June 2018.

Amidst all this chaos, questions were raised about what would happen to Mugabe with regards to accountability for past human rights violations such as *Gukurahundi*, the bloody 2008 post-election violence, Operation *Murambatsvina* and other unpleasant epochs of violence that occurred during his tenure. These questions seemed challenging to answer, and Mugabe left the Presidency without being charged or questioned for any wrongdoing protected by his colleagues now in charge of the new Government. Mugabe left with a pension package guaranteed by the Government. This whole scenario raises a lot of questions about the state of transitional justice in the country and more needs to be done by stakeholders.

On the transitional justice front, the Government moved to put the NPRC Act into force ON 5 January 2018. The NPRC Commissioners who had already been appointed by Mugabe set to commence work albeit without a substantive Chairperson after the previous one Cyril Ndebele passed away on 07 October 2016 in Bulawayo. After critical reflection, the Zimbabwe Human Rights NGO Forum (the Forum) decided to take the NPRC

to the High Court of Zimbabwe to stop it from operating illegally by making decisions when they were not fully constituted. The High Court dismissed the matter. NTJWG notes the fact that soon after the court case, the President appointed Retired Justice Sello Masole Nare on 20 February 2018 as the substantive Chairperson of the National Peace and Reconciliation Commission (NPRC).

The NTJWG regards the adherence to the rule of law even in matters that look simple such as the composition of the NPRC as being very critical. There will be no shortcuts and cutting of corners in the quest for justice for past human rights violations. However, the NPRC went ahead with its scheduled public meetings soon after the court case. Several of the meetings were held across the country, but most of them were disrupted by the participants, particularly in the Matebeleland region. Key among the issues raised was the point of political interference from some political leaders. Participants complained that they had to travel long distances to the venues used by the NPRC for the meetings. Concern was raised regarding regional representation. The atmosphere under which the public consultations were convened was filled with fear - suspected state security officials/agents could be seen taking pictures of participants. The NTJWG reiterates and calls upon the NPRC to have the public and victims at the centre of their programming to avoid such incidences. Unless adequate protection mechanisms are put in place, victims and survivors will not be free to interact with the NPRC.

The highlight of 2018 was the Transitional Justice Symposium, which was held in November 2018 in Bulawayo. The meeting brought together stakeholders from across the country as well as renowned international partners who have worked with the NTJWG

and Zimbabwe on transitional justice matters before. The NPRC was represented at the highest level by its Chairperson and some Commissioners. The Zimbabwe Human Rights Commission and the Gender Commission were also represented. Deliberations were made over the three days, and a resolution was made that a transitional justice policy would be crafted and be presented to the Government of Zimbabwe. Work is well underway, and the policy will be ready in 2019.

On 1 August, after the July 30 disputed elections, protests erupted in the city of Harare, and six people were shot dead by the military. The government argued that it would not take responsibility for the brutal extrajudicial killings. However soon after the President announced that he would set up a Commission of Inquiry led by former South African President Kgalema Motlanthe and other foreign and Zimbabwean Commissioners. The NTJWG voiced its concerns around the terms of reference of the Commission as well as the suitability of some of the Commissioners. This all seemed to fall on deaf ears, and the Commission went ahead as initially composed. After a few months, the Commission having gobbled close to a million US Dollars was finished and came up with a few recommendations.

On the part of the NTJWG, several publications contributing to the transitional justice discourse in Zimbabwe were produced. The NTJWG also participated in several meetings with the NPRC, meetings organized by its stakeholders as well conducted several trainings and meetings of its own.

Zimbabwe continues to experience economic meltdown and other attendant problems. These problems threaten the fabric and morals of society and have the potential of causing conflict. However, the NTJWG is confident that all this will come to pass, and opportunities lie ahead to change the justice scenario in Zimbabwe for better times.

ABOUT NTJWG

The National Transitional Justice Working Group

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.



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-centred and participatory transitional justice processes in Zimbabwe.

VALUES

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

“The NTJWG is a culmination of the efforts of many stakeholders dating back to the symposium on Civil Society and Justice in Zimbabwe.”

NTJWG AT A GLANCE

October 2017 – October 2018

NTJWG PARTICIPATION MATRIX

NTJWG membership has more than doubled in the year 2017 to 2018. Officially, the NTJWG was established in 2014 by 46 organisations. In October 2017 the number increased significantly to 95. By October 2018 the number of organisations participating in NTJWG activities had risen to 99.

This increase is a result of the strategy by NTJWG to decentralise its activities and implement its work through stakeholders. This has seen the NTJWG working with stakeholders to organise events in the five significant Provinces in Zimbabwe.

| PROVINCE | ORGS. IN OCTOBER 2017 | NEW ORGS | ORGS. IN OCTOBER 2018 |
|---|-----------------------|-----------|-----------------------|
| Masvingo | 28 | -23 | 5 |
| Bulawayo including Matebeleland North and South | 16 | +2 | 18 |
| Harare | 13 | +21 | 34 |
| Midlands | 21 | +10 | 31 |
| Manicaland | 17 | -5 | 11 |
| Total | 95 | +4 | 99 |

Key Observations:

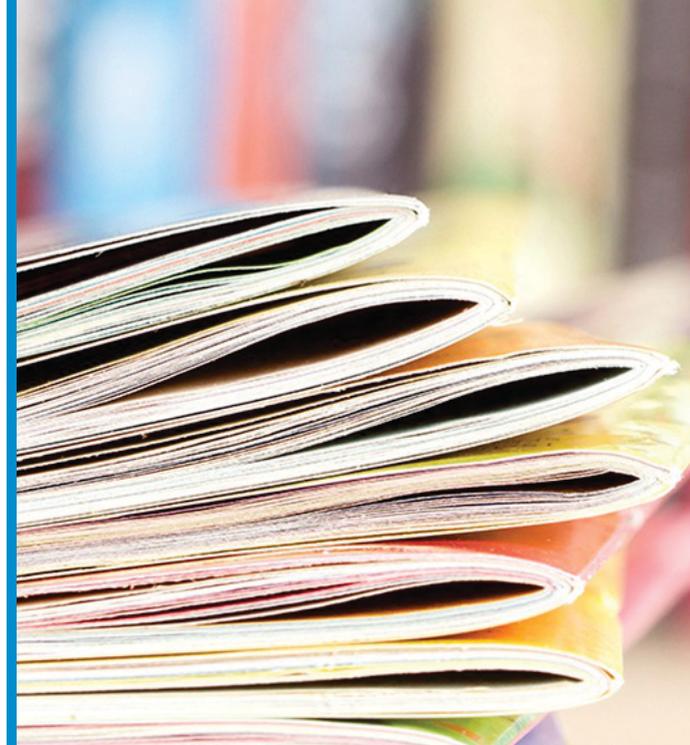
- There was a significant decline in the NTJWG members in Masvingo due to factors such as the closure of organisations, other stakeholders joining other coalitions, among others.
- There was a significant increase in the Harare and Midlands Provinces.

PUBLICATIONS

In the reporting period, the NTJWG produced several reports, analysis and briefing materials on transitional justice in Zimbabwe, the work of the NPRC as well as other critical topics in a bid to contribute and help to set the agenda for transitional justice in Zimbabwe.

Consultations with Survivors of Past Violations

Following the development of a Transitional Justice Policy Discussion Paper, NTJWG held several consultation meetings with survivors of past violence to discuss policy options ahead of the NTJWG Policy Symposium.



The table below represents the stakeholders consulted:

| Province | Locale | No. of Participants |
|---------------------|----------------------------|---------------------|
| Bulawayo | Umguza | 20 |
| Manicaland | Mutare Rural/ Nyanga South | 11 |
| Mashonaland Central | Guruve | 20 |
| Mashonaland West | Chinhoyi Rural | 30 |
| Midlands | Zvishavane | 20 |
| Total | | 101 |

The findings of the consultations formed part of the discussion paper presented at the Symposium. The document available on this conference link is attached to this report: [Here](#)

Meetings with other Stakeholders

Using an online survey, NTJWG reached out to stakeholders ahead of the symposium. One hundred fifty-one people responded to a set of 10 questions on transitional justice. The outcomes of the survey were included in Chapter 7 of the Discussion Paper.

The full discussion paper attached to this report is available on the symposium website on this link: [Here](#)

i. 2018 Transitional Justice Policy Symposium Report

Summary

From 21 to 23 November 2018 118 delegates converged in Bulawayo for the 2018 Transitional Justice Policy Symposium, which was jointly convened by the National Transitional Justice Working Group (NTJWG) and the Centre for the Study of Violence and Reconciliation (CSV).

The theme of the symposium was, 'Never Again: Setting the Transitional Justice Agenda for Zimbabwe.' The symposium was designed to allow Zimbabweans to reflect on the most urgent transitional justice needs of the country and contribute to the development of a proposal for a transitional justice policy for Zimbabwe.



The report gives a detailed account of the events over the three-day Symposium. In the story, there are narratives of how delegates reflected on Zimbabwe's transitional justice journey dating back to the colonial era, a series of struggles that have seen us as a nation to where we are today. A narration of the second day chronicling how the delegates travelled to six key sites of different atrocities in Matabeleland where they came face to face with the ugliness of violence and the horrors of non-closure is also given in the report. Furthermore, a detailed narration is provided of the convergence of the Symposium delegates at the Amagugu International Heritage Trust in Matobo, where reflections from families searching for closure continued with a very touching theatre performance by Victory-Siyanyqoba Trust titled "Someone Lied." The performance was followed by a candid dialogue around how the Matabeleland transitional justice questions can be addressed and the role of government in it. Day three was the wrap-up, focusing on concrete policy reflections and processes necessary to say and guarantee 'Never Again!' You can access the report: [Here](#)

Impact

The report captures all the proceedings of the symposium, speeches, expert exchanges and outcomes. With QR codes scattered across the report, the reader is invited to join the dialogue, to watch the videos of the presentations and capture the full emotion of the 2018 symposium. One hundred copies were printed and are yet to be distributed in Zimbabwe by the NTJWG.

ii. Brief Symposium Social Media Report

Paper Bag Africa was appointed to handle the social media, live streaming, photography and audio-visual promotional material for the 2018 Transitional Justice Policy Symposium. Before the symposium, three audio-visual promotional material was shared across five online platforms run by Paper Bag Africa during the build-up and on-going of the symposium.

Online Following:

Paper Bag Africa handled a total number of 5 online accounts that were involved in sharing the #NeverAgainZW information on both Twitter and Facebook.

The combined number of followers from the five accounts on **TWITTER** is **35 063** and **21 250** on **FACEBOOK**.



Online Impressions during the Symposium

On the **1st day**, Wednesday the 21 November 2018 the hashtag: #NeverAgainZW went on to Trend at Number 1 on Zimbabwean Twitter by 10 am, an hour into the Symposium. By the end of the day, the hashtag had a total of 2156 Tweets from engaging twitter accounts.

Day 2 was a little different as the team spent the most time on-site visits, hence a lot of the capturing was audio-visuals and pictures that were shared on day three prior to the commencement of the symposium.

Day 3 resulted to both the hashtag #NeverAgainZW & Gukurahundi Trending at both Number 1 & 2 the whole day, with Gukurahundi going as further as Monday the 26th of November 2018, still at Number 1. The total number of tweets collected on Day 3, totals to 3457 inclusive of Gukurahundi.

For LIVE Streaming on Facebook, during the event and after, the Symposium gathered a total number of 2577 viewers on the channel & 4500 reach.

The total reach on Twitter from Wednesday 21 to Friday 23 November was **348 255 IMPRESSIONS**. And the highest views of a video shared about the Symposium using #NeverAgainZW on twitter was **1689**, featuring Former Minister of Education – David Coltart.

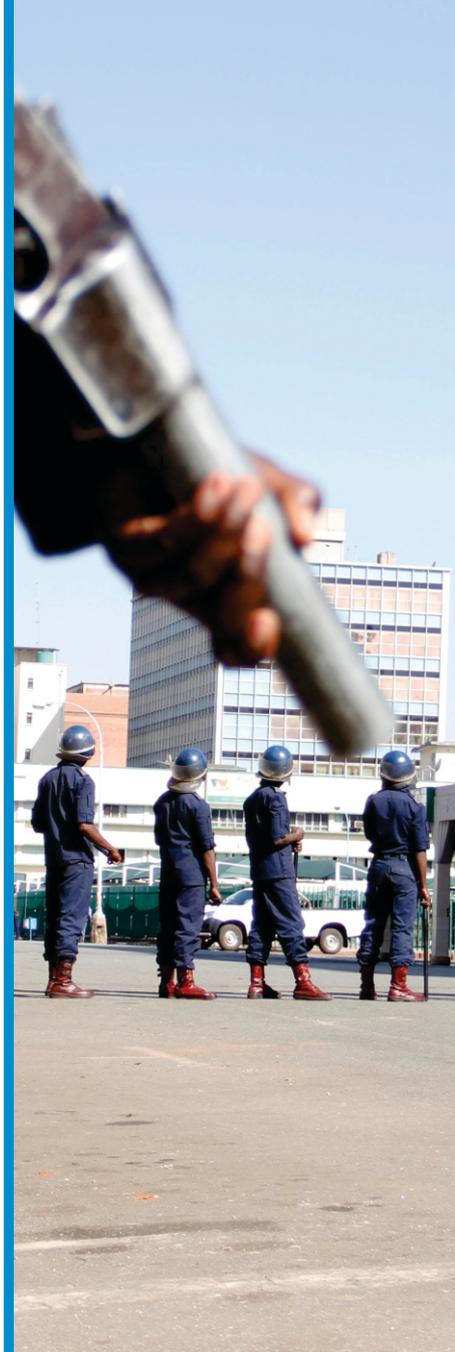
iii. State of Transitional Justice in Zimbabwe 2018 Report

Summary

The 2018 State of Transitional Justice Report captures the critical developments in Zimbabwe's critical transitional justice processes since the last report published in January 2018. It highlights those developments relevant to the mandate of the United Nations Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence. The report documents the outstanding areas of implementation according to domestic law and international obligations. The report carries a special section which analyses the weaknesses within the NPRC with regards its lack of adequate financing from Treasury, the lack of independence when hiring and releasing staff members in the Secretariat and the failure to set up relevant committees in the NPRC to enhance its work. The report goes further to discuss the work carried out by other Commissions such as the Commission of Inquiry into the July 2018 Post Election Violence. Key recommendations coming from the report include that the Government of Zimbabwe must set up a National Reparations Fund as well as institute security sector reform available: [Here](#)

Impact

The report was crucial in so far as it gave direction and led civil society organizations in analysing the pace and efforts of the NPRC thus far. The frank and candid discussions with regards the weaknesses identified in the NPRC, the shambolic processes surrounding the Monthlathe Commission of Inquiry as well as the recommendations for the Commission found resonance with several civil society organizations in Zimbabwe. The report was a go-to document in 2018 for a concise and candid report about the state of transitional justice in Zimbabwe.



iv. Crimes against Humanity Alert!

The NTJWG issued an alert soon after serious and egregious state-sponsored human rights violations were reported from 14 January 2019 in most working-class suburbs of Zimbabwe, especially in the capital Harare. At a time when the norm was to cower and see how the state would handle supposed rioters, the NTJWG was quick to call out the Government of Zimbabwe to stop the torture and wanton shootings of citizens under the guise of restoring order. The alert calls on the international community to condemn and act against the Government of Zimbabwe for reported crimes against humanity during that period available: [Here](#)



Impact

Information on the state-sponsored violations in Zimbabwe after the 14 January 2019 riots spread quickly all over the world but was soon thwarted by the government's closure of the internet. The

statement by the NTJWG was concise, full of information and carried precise demands on what the government of Zimbabwe needed to do to stop crimes against humanity and how the international community should also respond. The response was phenomenal. The government did not expect to be called out as they went on a rampage. However, the NTJWG remained resolute and put out the alert. Part of the responses from the international community and other stakeholders were because of this information.

v. NPRC Briefing - November 2018: Ensure Independent, Competent and Well-Resourced Secretariat for the NPRC

Summary

The briefing released on 4 November 2018 highlights the challenges faced by the NPRC in coming-up with a Secretariat to carry out its work. Different newspapers in Zimbabwe advertised the vacancy of the Executive Secretary with deadlines for applications given as 26 October 2018. The NTJWG in the Brief notes the efforts by UNDP in helping with the recruitment process. The NTJWG discusses the need for an independent, well-resourced and competent secretariat and stresses the need to adhere to these principles and several others. The argument in the Brief is that this is key for the quality of the Secretariat and its effectiveness available: [Here](#)

Impact

The discussions in this Briefing Paper were important in shaping the discourse around the operations of the NPRC. Most stakeholders lauded the NTJWG for flagging the issues. Local and international stakeholders have taken time to address these issues with the NPRC Commissioners as well as the Government.

vi. NTJWG Pre-Election Transitional Justice Briefing: An Urgent Call for Action! Embracing the Imperatives of Peace, Avoiding Violence

The NTJWG Briefing questioned the activities of the Zimbabwe National Army concerning the scheduled election on 30 July 2018 to elect the President, House of Assembly members as well as local councillors. The Brief noted the fears that increasingly the military in Zimbabwe kept noting that the election would be a culmination of the November coup that removed President Mugabe. The Brief also highlights the increased levels of violence in most and rural areas as well as utterances by ZANU PF officials that the military would not give up power to civilians. The NTJWG then goes on to call on local political parties, the police, SADC, the AU and the rest of the international community to continue watching Zimbabwe's political landscape as the risk of politically motivated violence leading into conflict was high. The full press statement is available: [Here](#)



Impact

The Briefing was shared with the international community, the African Union, SADC and was used in meetings calling for peace and adherence to nonviolence in the upcoming election by the NTJWG when it engaged political parties as well as state security agencies. While the Election Day was peaceful, fears that had previously been expressed in this Brief about the military's use of

excessive force were confirmed on 1 August when the army killed six people in Harare over election results protests. The Brief had raised these issues, and because they were not attended to on time, Zimbabwe was again plunged into another cycle of violent protests and lethal response by the State.

vii. NPRC Watch 4th Edition, 2018

The 4th edition of the NPRC Watch was released in May 2018. It is a large piece that seeks to evaluate the progress of the NPRC since it came to life. It gives a timeline of the life of the NPRC since 03 October 2017 when the NPRC was passed by Parliament, straddling into the NPRC's nationwide consultations in February 2018, the subsequent appointment of Justice Sello Nare as the Chairperson of the NPRC and the NPRC National Convergence and Validation Conference held in Harare.

Questions were asked on what will be next after the NPRC Act's promulgation. Some pertinent issues are raised, such as the lack of victim centeredness, excessive interference by the executive the silence on information access and archival processes as well as the unanswered questions on amnesty for past perpetrators. A brief analysis of the final NPRC Act is also available in this piece. A comprehensive assessment of the NPRC National Convergence and Validation Conference discusses the weakness of the NPRC in terms of organizing its work. The full version of the NPRC Watch is available: [Here](#)

viii. NPRC Watch 5th Edition, 2018

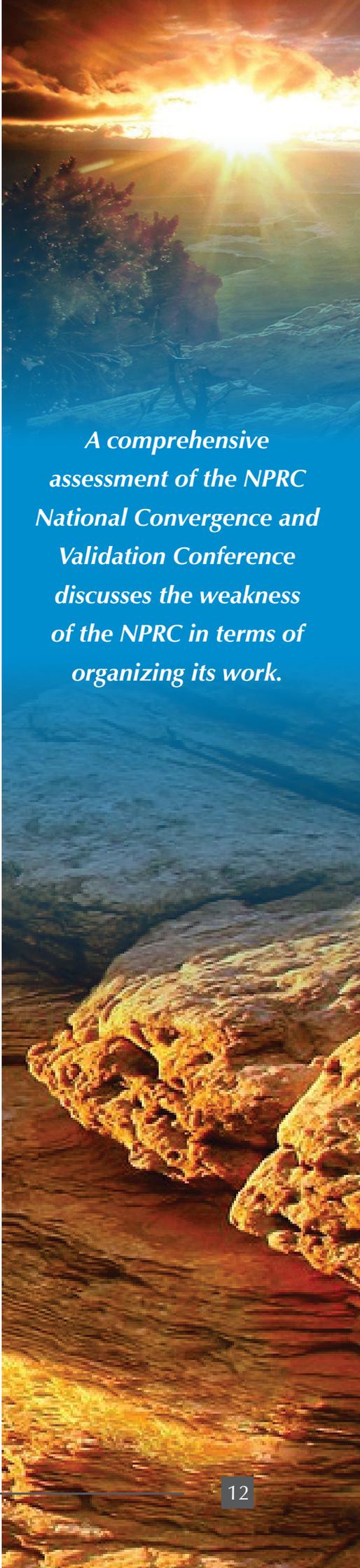
The 5th Edition of the NPRC Watch was the edition that mainly captured events at the November 2018 symposium and sought to outline outcomes of the game. The full version is available: [Here](#)

ix. NPRC Watch 6th Edition, 2018

The 6th Edition of the NPRC Watch was a compendium of the three newsletters which were produced by the NTJWG from January to December 2018. The Edition synthesizes all the issues raised in 2018 into one publication for easy reading and more detailed analysis. The full version is available: [Here](#)

Impact

This NPRC Watch provided much-needed information through analysis and reportage to the public, stakeholders, the NPRC and the international community. Feedback received noted that readers were interested in the further study of the NPRC Act, nationwide public consultations by the NPRC and what went wrong and how those could be improved in future.



A comprehensive assessment of the NPRC National Convergence and Validation Conference discusses the weakness of the NPRC in terms of organizing its work.

x. A Guide to Understanding the NPRC 2018

This 2nd Edition of the 'Guide to Understanding the NPRC in Zimbabwe' was updated to give more concise information on the structure and functioning of the NPRC. The Edition follows the



publication of the 1st Edition of the Guide in November 2017. The new Edition comprises all the full biographies of the NPRC Commissioners and Chairperson, the NPRC Act and Constitution extract of the NPRC, among other useful information. The Guide to understanding the NPRC was translated into four major vernacular languages which are Ndebele, Tonga, Nambya and Shona to ensure

that the document is made available and readable by almost everyone in the country. A total of 420, 105 for each translation, have been printed and are now available in hard copy available. The English version of the Guide is available: [Here](#)

Impact

This publication was recommended as “a must-read” by one stakeholder as it gives a lot of updated information and clarifications on some grey areas concerning the work of the NPRC, its staff, where and how it is financed.

xi. The 2018 NPRC Briefing

This briefing was presented to the National Peace and Reconciliation Commission on 15 March 2018. The presentation draws from the monitoring work done by NTJWG and the views obtained



by NTJWG from stakeholders who are concerned with the national peace and reconciliation process in Zimbabwe. Of great significance is the Stakeholders' 'What's Next' Conference held on 7 February 2018 where stakeholders deliberated on the process and made several recommendations regarding the process. The full briefing is available: [Here](#)

Impact

The importance of this publication is the engagement that took place between the NTJWG and the NPRC, but most importantly indirectly with Zimbabweans. This is because the NTJWG went down to communities in Zimbabwe and gathered views it then shared with the NPRC. The Commission fully noted the concerns raised and responded that they were considering the issues raised. Zimbabweans had raised questions surrounding the lack of proper access to public hearings held by the NPRC, explicit rejection of the let 'bygones be bygones' approach to dealing with the past and periodization of conflicts as this has a possibility of leaving out some victims. The responses from the NPRC captured in the NPRC Briefing are critical and helped clarify matters for Zimbabwe and other stakeholders.

xii. The 2018 Executive Briefing

This briefing was presented to the Special Advisor to the President on National Peace and Reconciliation. The presentation draws from the monitoring work done by NTJWG and the views obtained by NTJWG from Stakeholders who are concerned with the national peace and

reconciliation process in Zimbabwe, of great significance is the Stakeholders' 'What's Next' Conference held on 07 February, 2018 where stakeholders deliberated on the process and made several recommendations regarding the process. The Briefing also noted among critical issues the need for the government not to introduce different layers to deal with the healing and reconciliation question in Zimbabwe. This was after Vice President Mohadi had intimated consulting traditional leaders to deal with the matter just as the NPRC had been set into motion. The question of the executive meddling in the affairs of the NPRC is raised in the Briefing available: [Here](#)

Impact

Responses from the NPRC provide feedback which is well appreciated by readers online and other stakeholders. It also provides updates to the public on the intended or on-going interventions by the NPRC and allows the NTJWG to propose how the NPRC can address issues of concern respectfully. The engagement strengthens the relationship of the NPRC and NTJWG.

xiii. January to March 2018 Newsletter

This update provides a brief update for stakeholders on the transitional justice developments in the country as well as activities of the NTJWG in the first quarter of 2018. This briefing covers the NPRC Act and the Next Steps, continuing dialogue on the transitional justice processes, NTJWG Stakeholders Conference, NTJWG Interface with the Special Advisor to the President, NTJWG interface with the NPRC, the Transitional Justice Archive, the NPRC Watch, the Guide to Understanding the NPRC, among other developments available: [Here](#)

xiv. June to September 2018 Newsletter

This update outlined the Newsday's interview with the NPRC Chairperson discussing the Commission's role in the 2018 elections, signing of the peace pledge by political parties, allocation of Provinces to NPRC Commissioners, peace caravans before the 30 July, 2018 elections, the NTJWG engagement with the diaspora in South Africa, NTJWG pre-election transitional justice briefing, the 30 July, 2018 elections, the 1 August, 2018 shootings, the NTJWG press statement on the establishment of the Commission of Inquiry into the 1 August, 2018 killings, the NTJWG ordinary meeting, IATJ 8-Uganda and the NTJWG radio program on the Commission of Inquiry.

xv. October to December 2018 Newsletter

This update captures the survivors training, community dialogue, public lecture, radio programs, the Commission of Inquiry into the 1 August 2018 shootings and publications. The full newsletter is available: [Here](#)



Impact

The newsletters provide useful information as they track important national peace and reconciliation processes in Zimbabwe. The newsletters offer links for transitional justice developments such as reports for public consultations conducted by the NPRC in February 2018 and feedback/interface meetings held between the NTJWG and the NPRC, report on the launch of the NTJWG Archival Report among others. The newsletters aim to capacitate NTJWG stakeholders and also provide regular updates concerning national and international transitional justice processes that affect domestic peace and reconciliation processes. All quarterly newsletters produced by the NTJWG are available on the website for reading to all stakeholders.



CONTRIBUTIONS TO THE NTJWG BLOG

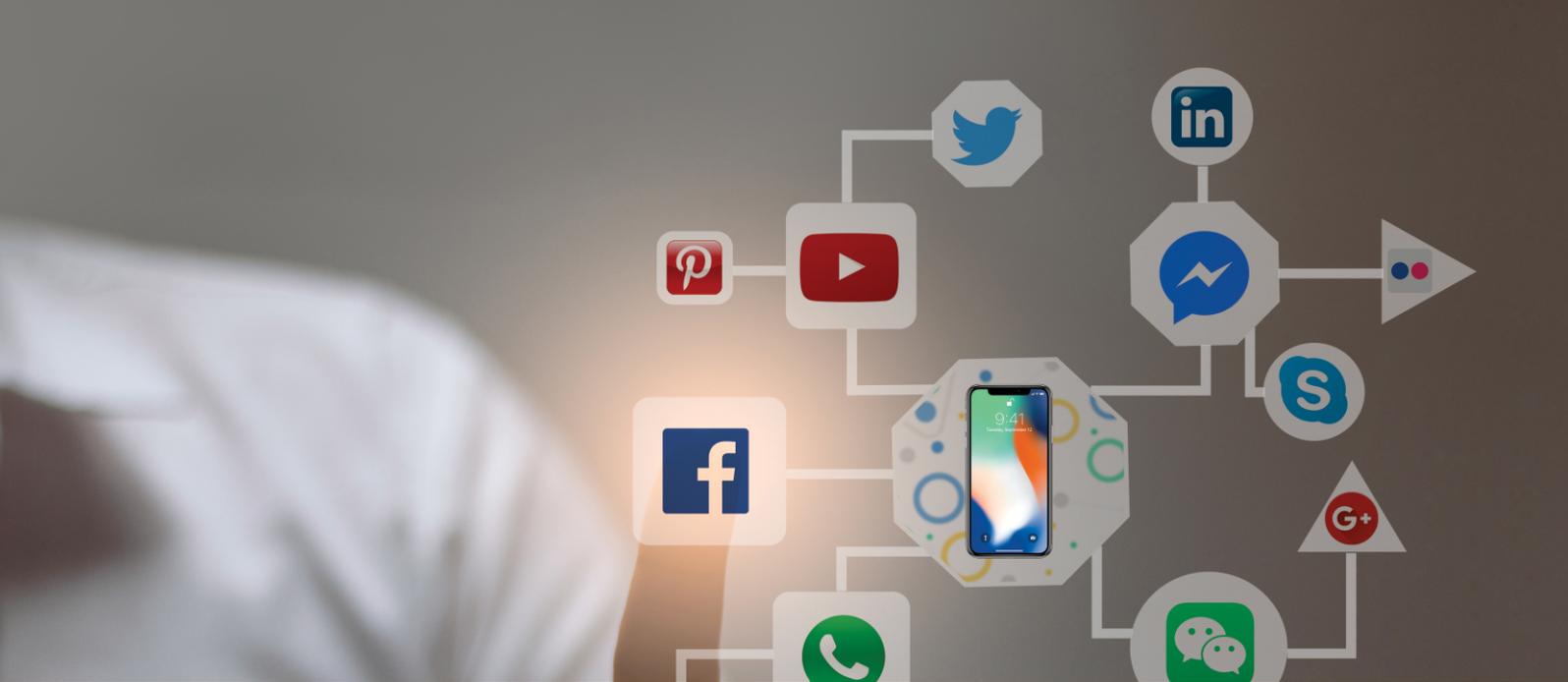
The NTJWG regularly rely on experts in transitional justice to provide analysis of transitional justice, which also guides and recommends intervention strategies for an effective and comprehensive national peace and reconciliation process. Below are links to the studies done in 2018.

Dr.K.Moyo:
**Transitional Justice Without Political Transition in
Zimbabwe: Why Not?**
[Available Here](#)

Tendai Chabvuta:
26 June 2018
**Remembering Zimbabwe's torture victims and the role of the
Zimbabwe National Peace and Reconciliation Commission**
[Available Here](#)

Dzikamai Bere:
05 October 2018
Defining the Pathway for Peace in Zimbabwe
[Available Here](#)

Tendai Chabvuta:
6 December 2018
2018 Transitional Justice Indaba
The Takeaways [Available Here](#)



NTJWG ON SOCIAL MEDIA

Below are the details for the National Transitional Justice Working Group - 2018

- FACEBOOK - **945 likes** by December 2018 with a post reach of 800.
- TWITTER - **650 followers**.
- There were 3 Reports uploaded and eight publications which include Statements, Newsletters and Editions uploaded in 2018.
- The statistics of people who visited the website in 2018 as at 23 December 2018 last year, were 237 visits from different IP Addresses. 90% showing to be local (Zimbabwe).

Documents mainly downloaded or viewed in 2018 are as follows:

- State of Transitional Justice in Zimbabwe 2018 Report
- 2018 Transitional Justice Symposium
- NPRC Watch 4th Edition
- A Guide to Understanding the NPRC 2018 and
- Annual Report, 2017



NTJWG STAKEHOLDERS IN ACTION

The NTJWG continued to work with its partners to elevate the transitional justice, peace and reconciliation agenda in Zimbabwe. The collaborations include attending meetings called for by partners, partnering in research activities and facilitating the opening of closed spaces for other partners.

On 15 March 2018, the NTJWG participated in a meeting at Chengeta Lodge where one of its partners, Heal Zimbabwe Trust, launched and presented its Baseline Report on Reconciliation in Zimbabwe. The research was conducted from June 2016 to June 2017 across Zimbabwe. In summary, the Baseline Study revealed that communities were concerned generally about politically motivated as well as state-sponsored violence. The 2008 election-related violence, *Gukurahundi* and *Operation Murambatsvina* came up in most conversations from the interviewees. Other matters that came up in the report were the lack of political will from the government of Zimbabwe to deal with past human rights violations. The Baseline Report also shared recommendations, and they are summarized below:

- The decentralization of the NPRC in discharging its mandate
- The need to make use of existing institutions as far as its mandate is concerned
- The need for gender-based peace and reconciliation
- The need for institutional reforms and institutionalizing competent courts based on international and regional examples such as Rwanda's Gacaca courts and
- Synergies and collaborations with State/non-State actors and The NTJWG



providing cutting edge analysis and lobby platforms.

Soon after the National Peace and Reconciliation Act [10:32] (NPRC Act) became law in Zimbabwe, the NTJWG took time again to reiterate its reservations with some of its provisions. The NTJWG noted that the NPRC Act has some weaknesses which threaten the effectiveness of the Commission. These are the lack of victim centeredness, interference by the Executive and controversial power to grant pardons.

Establishing adequate victim protection mechanisms

While international principles and even the Zimbabwe Constitution recognizes the need to understand victims' rights, this aspect is omitted from the NPRC Act for unknown reasons. Although Section 10(13) of the NPRC Act provides that the Commission shall ensure safety and protection of witnesses, no reference is made to victims and survivors. In its Minimum Standards for an Effective National Peace and Reconciliation Commission (NTJWG, 2015:4), the NTJWG stressed the need for adequate protection mechanisms to be put in place for victims and survivors. The needs of victims must be prioritized, and thus deliberate efforts need to be taken to ensure that victims know they are

safe before and after approaching the Commission with evidence or complaints. The point for the NPRC to establish a Victims/Survivors' Welfare Unit as with the other special units established now cannot be overemphasized.

The Ethics and Integrity Committee and the Conduct of Traditional Leaders in Zimbabwe

Section 287 of the Constitution provides for an Act of Parliament that must establish the Integrity and Ethics Committee to develop and enforce integrity and ethical conduct on the part of traditional leaders; resolving disputes between traditional leaders and dealing with complaints against traditional leaders.

Traditional leaders have, since the colonial era, been associated with unethical political activity. The Forum has on several times, litigated against named traditional leaders implicated in gross violation of human rights. Traditional leaders have further been involved in electoral fraud matters.

Interventions by the Civil Society

In the absence of the EIC, civil society has resorted to litigating against traditional leaders implicated in violations of human rights including hate speech, electoral fraud and intimidation. There is a High Court Judgment in a matter filed by the Election Resources Centre against Chief Charumbira who is the President of the Chief's Council in which the court ruled that his statements in support of the ruling party violate the constitution.

The Commission of Inquiry into the 1 August Shootings and Interventions by the Civil Society

Zimbabwe held its national elections on the 30th of July 2018. On 26 July 2018, NTJWG issued an alert regarding several factors which indicated hate speech, the involvement of the military in politics, failure by the election management body to resolve disputes amicably among other issues. NTJWG warned that if these issues were not resolved, they would lead to bloodshed.

On 1 August 2018, protests broke out in Harare with protestors demanding the release of presidential election results. The military responded by opening live ammunition on unarmed civilians, killing at least six people. Following these incidents, the President Emmerson Mnangagwa appointed a Commission of Inquiry (COI) in terms of section 2(1) of the Commissions of Inquiry Act [Chapter 10:07] through Proclamation Number 6 of 2018 published in Statutory Instrument 181 of 2018.

In December 2018, the COI which was chaired by former South African President Kgalema Motlanthe released its report finding that the Zimbabwe National Army (ZNA) officers had killed innocent people and recommended an investigation. The Government did not carry out any investigations. Instead, on January 14, the ZNA and ZRP officers once again opened fire on unarmed civilians killing an estimated 17 people and injuring over 87 people. The Government has refused to acknowledge the killings despite post-mortem reports showing that the deceased died from gunshot wounds. This is evidence of impunity and a total disregard for the recommendations of the Commission of Inquiry. b. Interventions by Civil Society The Zimbabwe Human Rights NGO Forum (the Forum) has compiled dossiers from the victims of the shooting and their families. A video report has since been published. Several cases have since been filed with the High Court seeking compensation for the pain and suffering experienced because of the actions of the police.



Interventions by the Civil Society

The Zimbabwe Human Rights NGO Forum (the Forum) has compiled dossiers from the victims of the shooting and their families. A video report has since been published. Several cases have since been filed with the High Court seeking compensation for the pain and suffering experienced because of the actions of the police.

The National Symposium on Transitional Justice Policy in Zimbabwe

From 21 to 23 November 2018, over 118 NTJWG stakeholders, delegates from the NPRC, churches, NTJWG partners and government officials converged in Bulawayo for the 2018 Transitional Justice Policy Symposium which was jointly convened by the National Transitional Justice Working Group (NTJWG) and the Centre for the Study of Violence and Reconciliation (CSV). The theme of the symposium was, 'Never Again: Setting the Transitional Justice Agenda for Zimbabwe.' The symposium was designed to allow Zimbabweans to reflect on the most urgent transitional justice needs of the country and contribute to the development of a proposal for a transitional justice policy for Zimbabwe. A transitional justice policy for Zimbabwe allows the country to join the continent in putting in place measures to ensure that past atrocities are dealt with, victims find redress and closure. It further provides that mechanisms are put in place to spur and drive national commitment to say 'Never Again' to violence.

The Symposium put on the table a cocktail of measures including security sector reform, approaches to truth recovery that focuses on documentation, archival and preservation; gender justice and approaches to knowledge management that ensures that the legacy of the organisations working with victims is accurately captured and preserved. Across the different thematic policy reflections, the symposium emphasised the critical role of independent commissions in ensuring the success of the transitional justice policy for

Zimbabwe. The conference tasked the NTJWG with decoding the rich content generated in the three days to develop a policy document that would help make a reality the vision painted by the delegates. In closing the symposium, NTJWG Chairperson Mr Alec Muchadehama said that the goal of a transitional justice policy for Zimbabwe is to build a national architecture for compassion. "A transitional justice policy means we want a value system that says 'the wounded must be healed' to be Government's way of doing business."

At the end of the symposium, stakeholders had agreed to a national transitional justice policy that will be shared with the NPRC, government and other non-governmental players in transitional justice.

Government interference in the activities of the NPRC

In 2018, the NTJWG advocated for the respect of the independence of the NPRC. This was done through the NPRC and Executive Briefings that were presented to the NPRC and Vice President's Office. They can be accessed [here](#).

The NPRC Act has several provisions that weaken the independence of the NPRC and facilitate for the politicization of its work. Several rules go against the grain of Zimbabwe's constitution. For instance, Section 14 of the NPRC Act requires the establishment of the Secretariat "in consultation" with the Minister responsible for Finance. This conflicts with Section 234 of the Constitution, which gives the NPRC power to recruit and regulate its own staff. The same provision is also in conflict with section 23 of the Constitution, which upholds the independence of all Chapter 12 Commissions. Other regulations such as the Minister's power to issue "certificates" prohibiting the release of information are undemocratic and unlawful. All these matters will be challenged if need be.

TRACKING THE WORK OF THE NPRC

5 January 2018

Government of Zimbabwe gazettes the NPRC Act [Chapter 10:32].

12 January 2018

The NPRC addresses a Press Conference at Munhumutapa Building in Harare to address stakeholders on the NPRC's work.

19 – 23 February 2018

NPRC holds consultative meetings throughout the country to inform the public of its strategic planning process. Unfortunately, some of the sessions were disrupted in Bulawayo, Lupane and Marondera.

1 March 2018

The President appointed Retired Justice Sello Nare as the substantive Chairperson of the NPRC.

15 March 2018

The NPRC meets with the NTJWG at its offices in Harare.

09 May 2018

NPRC Convenes the National Convergence and Validation Conference in Harare

14 – 17 May 2018

NPRC holds its strategic retreat.

25 June 2018

NPRC Chairperson's Interview with the Newsday to explain the NPRC's role in the 2018 elections.

TRACKING THE WORK OF THE NPRC

26 June 2018

NPRC facilitates the signing of the Peace Pledge in Harare.

5 July 2018

The NPRC allocates Provinces to its Commissioners.

20 – 28 July 2018

NPRC Peace Caravans.

18 October 2018

The NPRC launches its 5-year strategic plan.

21 – 23 November 2018:

The NPRC attends the NTJWG Transitional Justice Policy Symposium.

23 November 2018

The NPRC participates in the NTJWG symposium outcomes radio programme.

THE ZIMBABWE HUMAN RIGHTS NGO FORUM TAKES THE NPRC TO COURT

The Zimbabwe Human Rights NGO Forum, after lengthy lobbying and discussions with the government that the President appoints a substantive Chairperson of the National Peace and Reconciliation Commission, finally approached the High Court of Zimbabwe. In February 2018 a court application that sought to have President Mnangagwa appoint a substantive Chairperson as per the dictates of Section 251 (1) of the Constitution was lodged at the High Court of Zimbabwe with the President, the NPRC and the country's Attorney General all as respondents, respectively.

The second player in the court application sought to prevent the NPRC from going further in carrying out any work until a substantive Chairperson had been appointed. The arguments noted in the court challenge were that the NPRC was improperly constituted and thus any decisions reached without the substantive chair would be invalid at law. The position of Chairperson had fallen vacant after the demise of the late Honourable, former Speaker of Parliament Mr Cyril Ndebele in October 2016 after having served for not more than eight months since the NPRC was sworn in.

After the late Mr Cyril Ndebele, on or around 27 November 2015 the President then, Mr

Robert Mugabe went on to appoint Bishop. Ambrose Moyo who is the founder of Ecumenical Church Leaders Forum (ECLF) based in Bulawayo. In January 2018 however, when the NPRC Act was signed into law, Mrs Lillian Chigwedere, one of the Commissioners who was the Deputy to Bishop Ambrose Moyo became the acting Chairperson of the NPRC. However, she did not have additional legal qualifications as required by law. Furthermore, while it would have seemed reasonable for her to 'act' on behalf of the Chairperson, the situation that the country was presented with was not that the Chairperson was away temporarily. The matter was clear that the Chairperson was no longer available and thus, the President, according to the law, had to appoint another Chairperson. Any other action would have been derelict neglect of duty and an insult to constitutionalism. To make matters worse, as the Forum argued, it was not that there was a lack of candidates that matched the set criteria to fill the position in the whole population of Zimbabwe in or outside the country.

The fatality of his appointment at law was that according to the Constitution he did not qualify as he did not have the additional requirement of being a person who has been trained for at least seven years to practice as a legal practitioner in Zimbabwe. The Human



Rights NGO Forum noted in its application that it feared that “the important work that the NPRC is doing and has already done while not properly constituted may come to nought ...”.

The application noted substantively that the President of Zimbabwe had acted unlawfully and had failed in his constitutional duty to respect and uphold the Constitution of Zimbabwe by failing or neglecting to appoint a Chairperson of the NPRC who is qualified as required by the Constitution. The High Court however found otherwise, and the application was dismissed on technicalities.

What could have been a defeat to the Zimbabwe Human Rights NGO Forum (the Forum) soon turned out to be a victory because the President soon afterwards appointed a substantive Chairperson in the name of Retired Justice Sello Nare. The appointment fulfils the requirements of the Constitution and to fullness the complement of the Commission, the same reasons why the Zimbabwe Human Rights NGO Forum had gone to court in the first place seeking a remedy.

“In February 2018 a court application that sought to have President Mnangagwa appoint a substantive Chairperson as per the dictates of Section 251 (1) of the Constitution was lodged at the High Court of Zimbabwe with the President, the NPRC and the country’s Attorney General all as respondents, respectively. “



WHAT WAS SAID ABOUT THE TRANSITIONAL JUSTICE SYMPOSIUM

From 21 to 23 November 2018, over 118 delegates converged in Bulawayo for the 2018 Transitional Justice Policy Symposium which was jointly convened by the National Transitional Justice Working Group (NTJWG) and the Centre for the Study of Violence and Reconciliation (CSVR). The theme of the symposium was, 'Never Again: Setting the Transitional Justice Agenda for Zimbabwe.' The event was live on Twitter and Facebook. Over three million people were reached online via the hashtag #NeverAgainZW.

We have documented some of the statements by delegates who participated in the symposium and below is what some of them had to say.

"Zimbabwe, the world is watching, Africa is watching... As we see the story of a nation that has decided to stand up again. And declare 'Never Again!' May 'Never Again' echo in every single corner of your nation."

Nomfundo Mogapi, Executive Director, CSVR

"This discussion is about how we can put together a framework to make sure that government designs its programmes in a manner that is compliant to the wounds of its people and that its apparatus are not found to kill the wounded but rather restore those who have been shredded by past conflicts."

Alec Muchadehama, NTJWG Chairperson

"Day Two of the symposium was incredible. I think if nothing else, we can be sure that each person left the symposium feeling the desperation and urgency to address the atrocities committed in Matabeleland."

Symposium Delegate

"Siphosami Malunga was able to look at and interpret Gukurahundi from various angles and to help us get some handles in the legacy so that we can work on it together."

Symposium Delegate

A transformative tour that we all we need to take especially our young to gain an insight into our history and journey as a people – culturally we had folktales that vividly portrayed our history, who and what killed that culture."

One delegate after the tour of the Joshua Nkomo Museum during the Symposium

"...we rarely hear an analysis of the security sector responsibility in our peace and reconciliation work. The presenters brought the expertise to give guidance in this difficult part of the transitional justice agenda."

Symposium Delegate

“Today, I got to spend the day at the Transitional Justice Policy Symposium. And one of the speakers gave a presentation on “Taking Stock of Zimbabwe's Transitional Justice Journey”, and I think they should teach that in our high schools as Zimbabwean History.”

Symposium Delegate on Twitter

“The recently-ended transitional justice policy symposium hosted by the National Transitional Justice Working Group ought to be celebrated as a watershed upon which springs of healing and reconciliation are bound to emanate from to address past injustices contextually.”

Debra G. Sithole, Newsday, 5 December 2018

“Besides, bringing 118 stakeholders working on transitional justice matters in Zimbabwe, the region and internationally together, there was an affirmation and recognition that the transitional justice debate in Zimbabwe needs to be moved to a higher level.”

Tendai Chabvuta

“Transitional justice won't happen unless it becomes not only a concept and a program but a social movement. I saw that beginning to happen in Bulawayo and saw that this movement not only includes the strategically invited participants from various institutions around the country, but also the community members and leaders we met on our field visits – we are now all in this together.”

Symposium Delegate

This was a profound, history-making, legacy building process! Thank you @ntjwgzimbabwe for a seamless and well-organised event! I go back home more enlightened and energised that there is hope for our continent. NEVER AGAIN!!!! #healingforAfrica

Nomfundo Mogapi, on Twitter



REVISITING THE NPRC CONSULTATIVE MEETINGS

The NPRC Consultative Meetings

After the gazetting of the law setting the NPRC into life, the Commissioners regional consultative meetings soliciting for views and ideas on the key issues that needed to be dealt with. That the process of consultations could have been better planned and executed is not in doubt. The process while necessary became shambolic at the least and the worst a charade. The meetings were almost instantly hijacked by local politicians when they started. Views from the public seemed to be that the Commissioners did not have a say and could not control the politicians in the meetings at all. Typical of most meetings in Zimbabwe that are related to politics, violence and justice, there were reported cases of young men who took pictures of people attending the conference. Whether these people were state officials or not is neither here nor there.

The fact that people of who are not members of the media fraternity can take pictures without being censured is enough to instil fear in those attending the public consultations. Reflective of the national mood was the disruptions that occurred in parts of Matabeleland. Issues around the composition and representativeness of the NPRC Commissioners has been discussed before, but the advice has fallen on deaf ears. The NTJWG does not condemn the disruptions and violence that ensued in some of the meetings but argues that some of these incidents can be avoided by the Government taking advice and decisive action on pertinent issues raised by stakeholders in the fight for justice of past human rights violations.

The chronicle below tracks the meetings that were held by the NPRC countrywide and how they went. A brief description of the challenges faced is also given to give a highlight to readers



on what challenges remain evident for the NPRC to deal with in their work. It was commendable that the media was allowed into the meetings and regrettable that there was no subsequent coverage by the media. The consultative meetings' purpose was to gather views on priorities to inform the NPRC's strategic envisioning process. Pressure groups, Faith-Based Organizations (FBOs) and Civil Society Organisations (CSOs) were represented in the meetings.

All in all, ten meetings were done, but not without challenges.

Mashonaland East - Bindura

From the 19th of February, 2018 to the 3rd of March 2018 the NPRC travelled across the ten Provinces of Zimbabwe to convene the much-anticipated consultative meetings on national peace and reconciliation. The sessions started on 19 February 2018 in Gwanda and Bindura. The purpose of these Consultative meetings was not communicated in advance; hence, participants attended the meetings with different expectations, demands and objectives.

In Mashonaland East, it was reported that 'violence' erupted. Honourable Minister of State for Mashonaland East David

Musabayana allegedly told participants that “We are all ZANU-PF members and we feed on the same breast which is ZANU-PF.” In Bindura, Mashonaland Central, Honourable M. Bimha politicized the meeting in his address.

It was reported that in other areas, some political parties boycotted the meetings and branded the Commission as a tool of another political party. It was reported that officers from ZRP’s PISI usually suspected by victims to be CIO members were taking pictures at meetings, and this caused a lot of discomforts. At the meetings that turned ugly, participants reported that the Commissioners seemed to have little control of the proceedings and politicians seemed to have free reign;

In Mashonaland Central and East, stakeholders complained that Members of Parliament (MPs) and members of the Executive ended up addressing the meeting, an issue that goes to the heart of the independence of the Commission.

Marondera

In Marondera, the meeting descended into chaos after Minister of State addressed people and performed a ZANU-PF slogan which incensed participants. Participants who spoke to NPRC Watch said they were unhappy that members of the executive could address the NPRC meetings.

Gwanda, Bulawayo and Lupane

In Gwanda, Bulawayo and Lupane all the meetings were adjourned due to disruptions by *Mthwakazi* and *iBhetshulikazulu* pressure groups which protested the composition of Commission. These are the regions where *Gukurahundi* occurred, and this is where the Ndebele people are highly concentrated.

In Matebeleland regions, it was noted that there was poor turn-out of women and youths and participants called for an international organization or the Church to deal with disturbances of the past due to the lack of trust and confidence in the NPRC.

Pressure groups such as *Mthwakazi* and *iBhetshulikazulu* questioned the racial composition of the Commissioners which they said was not in the interest of the region and is not reflective of the national outlook. In the Matebeleland regions, it was noted that the Commission did not reflect the diversity of the country. However, in the Shona speaking regions, it was commendable that the Commission spoke the language of the communities.

Gweru and Midlands

In the Midlands areas, participants from rural areas felt marginalization as they could not attend the meetings because of the long distance between the venue and the cities where they stay.

In Gweru, it was reported that after the NPRC meeting, ZANU-PF activist approached some of the participants and harassed them for participating in the conference. We have one case of a person who attended the meeting at Chaplin High School who has since fled to Harare. In the Midlands, victim groups complained that from the rural areas, only Chiefs and ZANU-PF leaders attended the meeting because they could afford.



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