



**NATIONAL  
TRANSITIONAL JUSTICE  
WORKING GROUP  
ZIMBABWE**

# **NPRCWATCH**

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**JANUARY TO JUNE 2021 NEWSLETTER**

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## Stakeholders, Partners and Friends

Welcome to the first newsletter for the year 2021. The year 2021 started off with President Emmerson Mnangagwa announcing a nationwide COVID-19 lockdown in January. The nation has been on and off lockdown, with some measures being relaxed. On 12 June 2021 the Vice President and Minister of Health and Child Care Constantino Chiwenga announced new measures to curb the spread of the coronavirus. The series of crises brought about by the COVID-19 pandemic since its emergence in 2020 which include a global health emergency and economic recession, as well as social and political upheaval in many countries and regions, have profoundly changed the world in which we live. The National Transitional Justice Working Group (NTJWG) adapted quickly, adopting new methodologies to fulfill its mission and reimagining how it engages and convenes stakeholders and supports justice processes on the ground. This newsletter consolidates all the developments, events and activities that took place in the transitional justice framework during the first half of the year 2021. This newsletter gives an insight into developments within the National Peace and Reconciliation Commission (NPRC), the work undertaken by the NPRC in fulfilling its constitutional mandate, the work of the NTJWG, and transitional justice developments around the world.

## NPRC ACTIVITIES

### Appointment of New Commissioners to the NPRC

The five-year term of office of the NPRC Commissioners ended in February 2021. A call was issued in December 2020 by the Committee on Standing Rules and Orders (CSRO) of the Parliament of Zimbabwe for public nominations of persons to serve as NPRC Commis-

sioners. On 14 April 2021, the CSRO conducted public interviews of the shortlisted candidates for appointment as NPRC commissioners. President Emmerson Mnangagwa appointed eight NPRC commissioners on 7 May 2021. The commissioners will serve under the chairmanship of Retired Justice Selo Nare whose first term of office will expire in 2023 as he was appointed in 2018. Dr Golden Chekenyere and Ms Lilian Chigwedere who were previously appointed as NPRC commissioners in 2016 were retained to serve their second and final term as NPRC commissioners. The new Commissioners include Dr Donwell Dube, Advocate Obert Gutu, Ms Nomaqhawe Gwere, Reverend Chiropafadzo Moyo, Mr Tinashe Rukuni and Dr Josephine Shambare. It is however unclear if these newly appointed commissioners will serve a full five year term because of a court case which is yet to be decided by the Supreme Court in which the dispute is in respect of when the NPRC's ten year life span ends. One argument is that the life span started in 2013 when the Constitution was enacted thus the lifespan ends in 2023. The other argument is that the lifespan of the NPRC must be calculated from the time the Commission was operationalised through the NPRC Act in 2018.

Of the eight appointed commissioners, four are women in accordance with section 17 of the Constitution which binds the State and all state institutions and agencies of government to ensure gender balance. The NTJWG urges the Commission to continue this trajectory and ensure gender equality and gender mainstreaming in all its operations. The NTJWG wishes the new commissioners a fruitful and productive tenure and encourages them to adopt an inclusive and survivor centric approach in their work.



**Following their appointment, the new NPRC commissioners were appointed to lead different thematic committees and oversee specific provinces as follows:**

1. Commissioner Golden Chekenyere - Chairperson of the Resource Mobilisation and Partnerships Committee, Deputy Spokesperson of the NPRC and responsible for overseeing the Manicaland Province.
2. Commissioner Lilian Chigwedere - Vice-Chairperson of the NPRC, Deputy Chairperson of the Victim Support, Gender and Diversity thematic committee and responsible for overseeing the Mashonaland East Province.
3. Commissioner Donwell Dube - Chairperson of the Research and Knowledge Management Committee and overseeing the Mashonaland West Province.
4. Commissioner Obert Gutu - Chairperson of the Complaints Handling Investigations and Legal Services Committee, Deputy Chairperson of the Resource Mobilisation and Partnerships Committee and Chairperson of the Media and Communications Committee and NPRC Spokesperson. He will also oversee the Harare Province.
5. Commissioner Nomaqhawe Gwere - Chairperson of the Victim, Support, Gender, Deputy Chairperson of the Conflict Prevention Committee and Diversity Committee and responsible for overseeing Matabeleland North Province individually and overseeing Matabeleland South and Bulawayo with the assistance of the NPRC Chairperson, Retired Justice Nare.
6. Commissioner Chiropafadzo Moyo - Chairperson of the Healing, Reconciliation, Deputy Chairperson for the of the Finance, Administration and Human Resources Committee and Rehabilitation Committee and overseeing the Midlands Province.
7. Commissioner Tinashe Rukuni - Chairperson of the Conflict Prevention Committee, Deputy Chairperson of the Research and Knowledge Management Committee and overseeing the Masvingo Province.
8. Commissioner Josephine Shambare - Chairperson of the Finance, Administration and Human Resources Committee, Deputy Chairperson of the Complaints Handling Investigations and Legal Services Committee and overseeing the Mashonaland Central Province.

The NTJWG is concerned that some commissioners appear to have been allocated much more duties than those allocated to others. This imbalance may result in certain aspects of the Commission's work being neglected. The NTJWG recommends that the NPRC to ensure even distribution of work among all commissioners. Further, the NTJWG recommends that NPRC commissioners be ordinarily resident in the provinces they can be more accessible to the stakeholders in their provinces.

### **News Conference on the Commission's Mandate**

**On 22 June 2021**, the NPRC held a news conference about the Commission's mandate. During the conference, the NPRC Spokesperson Commissioner Obert Gutu remarked that



*“It’s a pity that normally people look at the commission as only dealing with one issue of Gukurahundi. I think Gukurahundi is just a small, tiny fraction of the various other disputes we are talking about.”*

- OBERT GUTU (NPRC Commissioner & Spokesperson)

The downplaying of the Gukurahundi massacre was condemned by the NTJWG in its statement which can be accessed by visiting <https://kubatana.net/2021/06/28/statement-in-response-to-commissioner-obert-gutus-utterances-about-gukurahundi/>. The remarks were condemned by various other stakeholders resulting in the public apology issued by the NPRC Chairperson on 28 June 2021. The NTJWG implores the NPRC to go further than a public apology and demonstrate its commitment to dealing with the Gukurahundi as well as ensure that such an incident does not occur again.

## NTJWG Activities

### Reflections on the Expiry of the First Term of Office of the NPRC Commissioners and Going Forward

In February 2021 when the first term of office of the NPRC commissioners appointed in 2016 expired, the NTJWG published a reflection on their tenure highlighting the challenges the commissioners faced during their

first term and the recommendations to the new commissioners. Among the challenges the Commission faced was a lack of visibility which was a consistent concern for survivors and stakeholders alike since 2016. The NTJWG urged the NPRC to adopt strategies to improve its visibility at the local community level and to engage with other transitional justice players.

Some of the challenges the NPRC faced include lack of adequate funding, delays in the establishment of the NPRC and its structures, side-lining of the NPRC in consultations about exhumations and reburials among others. The NTJWG recommended that the NPRC build partnerships with members of the public, civil society and human rights organisations to address some of the challenges faced previously. For more information on the reflections and the recommendations, visit <https://kubatana.net/wp-content/uploads/2021/03/Reflection-on-the-tenure-of-the-NPRC.pdf>

### Launching the Language of Hate Report

The NTJWG together with Zimbabwe Human Rights NGO Forum launched a report titled “The Language of Intolerance, Intransigence, Authoritarianism and Violence in the “New Dispensation” In Zimbabwe” on 23 February 2021. Hate speech is public speech expressing hatred towards a group based on grounds such as their ethnicity, political affiliation or religion. The report was launched through a SAPES Dialogue which was livestreamed on Facebook and can be accessed by visiting <https://www.facebook.com/sapestrust/videos/426222445370873> The report analyses how hate speech driven by intolerance and hatred for divergent views is at the core of State-sponsored human rights violations. To read the full report, visit <https://kubatana.net/wp-content/uploads/2021/02/The->





[Language-of-hate-report.pdf](#)

### Meeting on the Domestication of the African Union Transitional Justice Policy

**On 9 March 2021**, the NTJWG held a policy reflective meeting on the domestication of the African Union Transitional Justice Policy (AUTJP) in Zimbabwe. The NTJWG met with legislators representing the Human Rights and Peace and Security Senate Thematic Committees and the Parliamentary Portfolio Committee on Justice, Legal, and Parliamentary Affairs. During the meeting, the NTJWG gave the legislators an overview of the provisions of the AUTJP and discussions ensued on how it can be domesticated and implemented in Zimbabwe. The legislators indicated that the existence of the AUTJP was an exciting development that presented an opportunity for Zimbabwe to adopt an afrocentric approach to transitional justice that takes into account the African experience. The policy can be accessed by visiting [https://au.int/sites/default/files/documents/36541-doc-au\\_tj\\_policy\\_eng\\_web.pdf](https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf)

### Reflective Meeting on Exhumations and Reburials Policy

**On 19 March 2021**, the NTJWG met with Parliamentarians to present a policy paper on exhumations. During the meeting the NTJWG through expert Ms Shari Eppel highlighted that there has been increasing demand for exhumations in Zimbabwe, particularly in Matabeleland that must be addressed. She also highlighted that the discussions about exhumations should take into consideration the right to mourn, the right to truth and the right to know which accrue to the families of victims. It was recommended that the Government of Zimbabwe must develop a legal framework to guide the recovery of human remains ensure that the needs and wants of the family and community of the deceased

are paramount and all processes and must be in consultation with family and community.

### Analysis of the Interviews for the NPRC

In the months of April and May, the NTJWG was ceased with monitoring the steps taken in the appointment process of the new NPRC commissioners with the aim of ensuring that it was done in accordance with the law and in the best interests of the NPRC and its constituency which includes victims and survivors of human rights violations. Specifically the NTJWG monitored the public interviews of candidates who were considered for appointment and produced an analysis covering a wide range of issues noted during the interviews. These include the quality of interview questions, unavailability of performance appraisals for former commissioners and cheating allegations among others. To read the full analysis visit <https://drive.google.com/file/d/1UJ9-Pct1BlTeF3ZXloqUIG-gQnKvulOB/view>

### Reporting Obligations of the NPRC

**On 13 May 2021**, the NTJWG wrote a letter to the NPRC enquiring on the status of the NPRC's 2020 Annual Report which was due at the end of March 2021. Regrettably, this report remains pending to date. While the NPRC is an independent commission section 323 of the Constitution, imposes an obligation on the NPRC to present its annual report to Parliament describing in full its operations and activities no later than the end of March of the year following the implementation of such activities. This is both a constitutional and a statutory obligation. As a result the NPRC's 2020 Annual Report became due on the last day of March 2021. Furthermore, section 16(7) of the NPRC Act obliges the NPRC to further make public the Annual Report and any other reports expected to have been presented to Parliament within thirty days.



The NTJWG notes that the NPRC is currently in breach of its constitutional obligation and urges the Commission to remedy this breach urgently.

### Statement In Response to the Destruction of The Bhalagwe Gurukhandi Memorial Plaque

**On 25 May 2021**, a Gukurahundi memorial plaque was unveiled by Chief Fuyane with the support of Ibhetsu Likazulu, an NTJWG Stakeholder that pursues justice for victims of Gukurahundi. The plaque was unveiled at Bhalagwe, a mass grave site in Kezi in the Matebeleland South Province. Regrettably, the plaque was stolen in a similar manner as another plaque that was unveiled in 2019. The NTJWG issued a statement on the theft of the memorial plaque and reiterates its condemnation of this act which is an attack on the memory of the lives lost during the Gukurahundi massacres. To view the full statement visit <https://drive.google.com/file/d/1fepH-helixNconn6JUZvpztJP7qPXO351/view>

### Monitoring of the Public Hearings on the Zimbabwe Independent Complaints Commission Bill

**On 24 November 2020**, the Zimbabwe Independent Complaints Commission Bill H.B.5, 2020 (the Bill) was gazetted. The Bill was developed to constitute and outline the functions of the Zimbabwe Independent Complaints Commission (the ZICC) in line with section 210 Constitution of Zimbabwe (2013). The Bill was gazetted seven years after the Constitution came into effect following a court case by VERITAS, a NTJWG stakeholder, seeking an order to compel the Government of Zimbabwe to enact legislation implementing section 210.

Parliament held public hearings on the Independent Complaints Commission Bill from

7-11 June 2021 and the NTJWG attended the public hearings for the purposes of monitoring the public hearings to ensure procedural compliance and also ensure that the provisions of the enabling legislation are in line with the spirit of section 210. The NTJWG attended the Hearings in Harare, Chinhoyi, Bindura, Marondera and Mutare.

During the hearings, concerns were raised over some clauses in the Bill for example Clause 13(2) which limits the scope of complaints that can be submitted to the ZICC to those that occurred three or fewer years from the date of reporting of the complaint. This clause effectively rules out complaints emanating from some of the worst epochs of violence in Zimbabwe such as the Gukurahundi, the post-election violence of the early 2000s, Operation Makavhotera Papi, Operation Hakudzokwi or Operation Murambatsvina. It was argued that this limitation defeats the purpose of the Commission and limits victims and survivors' access to justice and their right to an effective remedy. Concerns were also raised over the power given to the President in the Bill and it was argued that this power should be limited to ensure that the Commission maintains its independence.

Following the hearings, the NTJWG produced an analysis of the Bill which it submitted to Parliament for consideration. Other stakeholders such as the Zimbabwe Lawyers for Human Rights also produced their analysis of the Bill which was submitted to Parliament, this analysis can be accessed by visiting <https://www.zlhr.org.zw/wp-content/uploads/2021/06/ZLHR-Summary-Analysis-of-the-Independent-Complaints-Commission-Bill-2020-1.pdf>



### Radio Programme Series on Survivors and Stakeholders' Perspectives on the Appointment of NPRC Commissioners

On 25 and 29 June 2021, the NTJWG hosted a two radio programs on survivors and stakeholders' perspectives on the appointment of the new NPRC commissioners on ZiFM Stereo and Hevoi FM. The panellists were Edknowledge Mandikwaza from Heal Zimbabwe Trust, Eugenia Mpande from Tree of Life Trust, Sekai Gombe a survivor of past human rights violations, Moreblessing Manenji from the National Association of Non Governmental Organisations and Golden Maunganidze from TellZim News.

The panellists highlighted that there is a need to ensure the NPRC's visibility in rural communities and to raise awareness about the functions of the NPRC and what they intend to do to help people to air out their grievances. They further highlighted the need for victims and survivors' inclusion in the NPRC processes in that there should also be district-level peacebuilding committees with peacebuilding partners like faith-based organisations and non-governmental organisations.

### Commemoration of the International Day in Support of Victims of Torture

The NTJWG joined the rest of the world to commemorate the International Day in Support of Victims of torture on 26 June 2021. To commemorate this day, the NTJWG hosted a webinar on 28 June 2021, featuring Last Maengahama and Tungamirai Madzokere, two MDC members who were sentenced to 20 years in prison after they were wrongfully convicted of the murder of a police officer in Glen View in 2011. In 2020, the duo's lawyers, Zimbabwe Lawyers for Human Rights appealed to the Supreme Court and the matter was heard on 3 March 2020. Last Maenga-

hama and Tungamirai Madzokere were acquitted by the Supreme Court on 4 June 2021 after spending more than eight years in prison for a crime they did not commit. The other panellists were Alec Muchadehama, the NTJWG Chairperson, Chares Kwaramba, one of the lawyers that represented the duo, and Blessing Gorejena, a human rights lawyer. The aim of the webinar was to honour and support victims of torture, inhuman and degrading treatment, and political persecution and to show our solidarity towards their predicament whilst providing a platform where experts can offer legal advice on remedies available to victims. To watch the above webinar, visit <https://www.facebook.com/NTJWGZim/videos/370578981092820>

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