



Introduction

Welcome to the third Quarterly Newsletter of the National Transitional Justice Working Group (NTJWG) for the year 2021. The newsletter details transitional justice developments that took place between July to September 2021.

Operating context

The transitional justice operating environment continues to be restricted, the Government of Zimbabwe's measures to try to contain the COVID-19 pandemic have interrupted many political and transitional justice processes. The restrictions have made community engagements impossible because of the ban on gatherings.

As a result, education and awareness campaigns on transitional justice continue to be curtailed. Engagements have been limited to digital platforms, which most survivors and victims have no access to. This goes for national transitional justice processes, such as the ongoing access to documentation initiative by the Department of the Registrar General's Office in areas affected by Gukurahundi.

As a result, a new generation of victims in the form of children failing to at-

tend school has been created. The trend of destruction and theft of memorial plaques is another worrying phenomenon that has arisen over the past months. The destruction and theft of the memorial plaques is a clear sign of a lack of remorse by the perpetrators.

The efforts of communities to bring peace and healing for the families of the victims of human rights atrocities have been frustrated by the culprits who continue to destroy and steal the plaques. This also comes after President Emmerson Mnangagwa visited Matebeland to discuss the exhumations and reburials of victims of Gukurahundi. The initiative by the President has been met with mixed emotions as this has been viewed as an attempt to sideline the NPRC.

The Global Peace Index (GPI), which ranks 163 independent states and territories according to their level of peacefulness is the world's leading measure of global peacefulness.

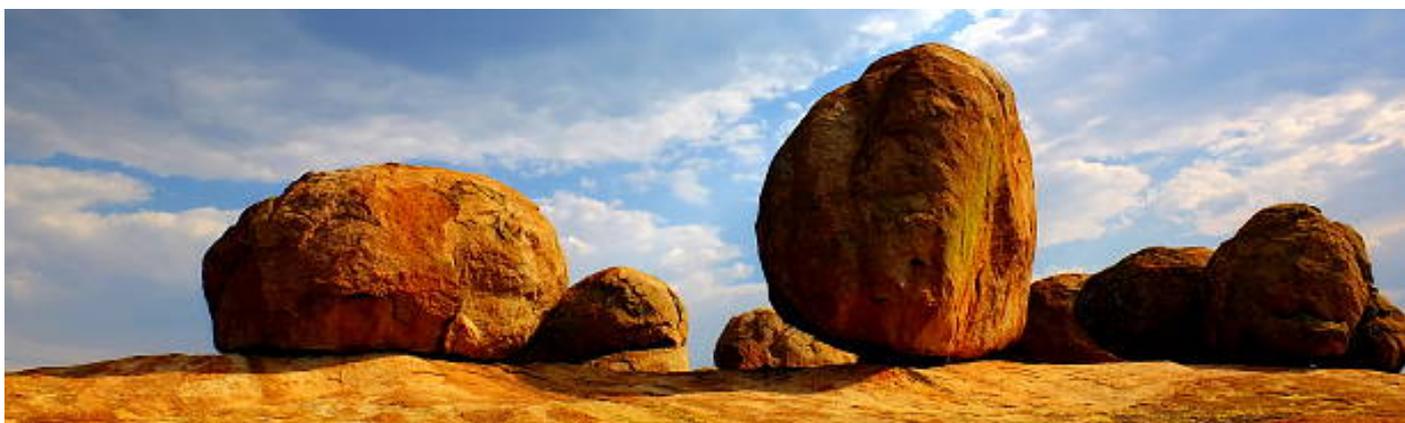
The latest Global Peace Index has ranked Zimbabwe number 131 out of 163 nations in a survey meant to establish the most peaceful countries on the planet. The Zimbabwe Human Rights NGO Forum's Executive Director Dr Musa Kika described Zimbabwe's poor



Matopo Hills, Bulawayo

rating as gravely worrying. “Zimbabwe is shown to have slipped down from the last assessment. This is quite reflective of the socio-economic and political state of affairs where, though there may be no overt bloodshed on the streets, all conditions for the maintenance of a peaceful society are under threat,” Kika said. The deteriorating environment of peace is a great cause for concern amidst the stagnant peace and reconciliation processes. Despite the hostile operating environ-

ment and a limited capacity because of the pandemic, the digital world and technology have proved effective in getting some work done. This edition will shed light on several developments, events and activities in the transitional justice field during the third quarter.



Matopo Hills, Bulawayo



Zimbabwe celebrates the International Day of Peace

Every year on 21 September, the International Day of Peace (IDP) is commemorated to strengthen the ideals of peace around the world. The day is commemorated under a theme that is relevant to the on going global events and this year's theme was

“Recovering Better for an Equitable and Sustainable World”.

This theme was inspired by the recognition that as the world recovers from the COVID-19 pandemic, there is a need to help everyone recover better, build resilience, and reflect on how to transform the world into one that is more equal, more just, equitable, inclusive, sustainable, and healthier.

The NTJWG, the NPRC and the NTJWG stakeholders joined the rest of the world to commemorate this day. The International Day of peace commemoration was an occasion to educate the general public on the importance of peace, healing, reconciliation, and unity. This segment will give details of how the state and non-state actors commemorated the IDP.

NPRC: Webinar and concert in commemoration of the International Day of Peace

On 21 September 2021, the NPRC hosted a commemorative webinar in collaboration with UNDP. This year, the NPRC celebrated the day under the theme, “Building back better in the aftermath of COVID-19: Pathways for Peace.” The webinar was characterised by presentations from different groups that were represented.

The presentations highlighted what the International Day of Peace meant to that group and its significance in our Zimbabwean context. The Executive Director for National Association of Non-Governmental Organisations (NANGO), Mr Leonard Mandishara gave a speech at the webinar titled, “Civic Society Voice on the International Day of Peace Commemorations.” In the speech, Mr Mandishara acknowledged that the pandemic aggravated conflict and violence

across communities due to increased inequalities, human rights violations and marginalisation. He further highlighted that conflicts can be solved sustainably if the sources and drivers of the conflict are addressed: unfairness, injustice, poverty, disempowerment, and disrespect. He also emphasised the importance of working together to ensure harmonised elections in 2023. Commissioner Lilian Chigwedere gave the opening remarks and Commissioner Shambare gave the closing remarks. Other presenters included Ms Tafadzwa Muvingi from the United Nations Development Programme (UNDP), who gave the keynote address, Mr Leonard Mandishara, the NANGO Director, Ms Juliana Kariri of the Zimbabwe Youth Council (ZYC) and Ms Sally Ncube of the Women's Coalition of Zimbabwe (WCoZ).

Issues of concern were raised during the plenary

- The NPRC is working towards launching its peace and education program in collaboration with the Ministry of Education and United Nations Educational and Scientific Cultural Organisation (UNESCO) and plans to incorporate it into the curriculum. It was indicated that consultations are currently underway, and this was one of the recommendations made in the 2019 report.
- A question was raised on the NPRC's plan to improve peace in the political arena, but the question was unanswered.
- The Commission also indicated that they would be looking into a national peace and security plan in collaboration with other stakeholders after a question was raised on the issue.



International Day of Peace Concert: 21 September 2021

38 views • Streamed live on Sep 21, 2021

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• The Commission has completed a stakeholder mapping exercise that matches the needs of victims, women, children, youth and the elderly. In this light, the NPRC stated that they would be approaching various expert stakeholders that represent these groups to engage them and see how best they can work together.

The NPRC also held a virtual live concert to commemorate this day and various artists from all over Zimbabwe performed. The concert was aired on ZTN and live-streamed on youtube. The purpose of the concert was to celebrate peace and inclusivity in peace processes. The NPRC can be applauded for this virtual concert as it managed to increase its visibility, communication,

and awareness of the importance of peace and conflict prevention. The concert also fostered public interest in peace processes by including all age groups and ethnic groups from different

corners of the world in the peace celebrations. To watch the concert click on the picture below



NTJWG International Day of Peace commemorations

The NTJWG also joined the rest of the world to commemorate the International Day of Peace. The NTJWG published a statement in Newsday to commemorate this important day. The theme for this year was, "Recovering better for an equitable and sustainable world." The NTJWG noted with concern the continual theft and destruction of the Gukurahundi memorial plaques and expressed its concern about the NPRC's failure to act and speak up against these crimes. The NTJWG called for the NPRC to take action to investigate the thefts and hold the perpetrators accountable. It also called upon the Government of Zimbabwe to provide adequate resources to the NPRC to enable it to fulfil its constitutional mandate effectively. To read the full statement, visit <https://www.facebook.com/NTJWGZim/>

The NTJWG also released a video to educate the public on the importance of peace and everyone's duty to prevent conflict. To watch Heal Zimbabwe Trust, a stakeholder of the NTJWG also commemorated the International Day of Peace.

Heal Zimbabwe issued a statement in which it recognised the increase of human rights violations by state agents against citizens under the guise of containing the spread of COVID-19. The statement also highlighted that the lockdowns were used as a toll by the government to suppress the right to protest peacefully and the freedom of assembly.

Heal Zimbabwe Trust International Day of Peace commemorations

Heal Zimbabwe called upon the state to promote national unity and peace by fostering and respecting citizens' fundamental rights and freedoms, such as the right to petition and demonstrate. You can read the full statement by visiting <https://kubatana.net/2021/09/21heal-zimbabwe-statement-on-international-day-of-peace-2>

In addition to the statement, Heal Zimbabwe Trust also produced a video in which the Director of the organisation highlighted that the commemorations are guided by indicators. The indicators are the reduction of all forms of violence, the rule of law.



Pillars of Peace

TRUTH

JUSTICE

LOVE

FREEDOM

to watch the full
video

As we commemorate the International Day of Peace, the NTJWG calls for respect for human rights and non-recurrence of violent conflict.

He also stated that citizens are denied access to social services based on their political affiliation. He called upon the NPRC to deal with issues of past human rights violations to heal society. To watch the full video, visit <https://www.youtube.com/watch?v=GPkmS1gCniU>

NPRC Activities

The past quarter saw the newly appointed NPRC Commissioners at work since their appointment. The Newsletter will look into some of the activities the new Commissioners have carried out since their appointment.

In the reporting period, the NPRC embarked on various programs to improve its visibility. The Commission engaged various stakeholders in commemoration of both national and international days like Heroes Day, International Youth Day and International Day of Peace. The NPRC has also held meetings with stakeholders to explore areas of collaboration.

Highlights of the NPRC Gender and Inclusion Policy

On 20 July 2021, the NPRC highlighted its Gender and Inclusion Policy, which will be finalised. The policy covers a wide range of issues including the importance of peace at the family, community and national level. The policy also acknowledges that peace and harmony at the family level contribute to fair appropriation, ownership of productive efforts among men, women, boys and girls at national, community and family levels.

This policy is important as it enables the NPRC to be sensitive to the gender dynamics in Zimbabwe and the complexity of certain violations in its interaction with victims and witnesses, in meetings, interviews and investigations. The policy ensures inclusivity and encourages the participation of women, girls and other marginalised groups in transitional justice processes. Virtual Launch of the Women Political Training and Mentorship Programme
On 2 August 2021, the National Peace and Reconciliation Commission (NPRC) participated in the Virtual Launch of the Women Political Training and Mentorship Programme which was hosted by the Zimbabwe Gender Commission (ZGC) in collaboration with the

United Nations (UN) Women. The programme had participants from various stakeholders, political parties and Civil Society Organisations (CSOs). The NPRC Victim, Support, Gender and Diversity (VSGD) Thematic Chairperson, Commissioner Nomaqhawe Gwere said, "The NPRC Act emphasises on the development of procedures and institutions to facilitate dialogue among political parties, communities and other groups to prevent conflict and disputes." She also pointed that violence in politics and the abuse of social media and communication technologies presents opportunities for violence.

Commissioner Gwere also said that the establishment of the National Conflict Early Warning and Early Response (CEWER) system is one of the strategies that the Commission has considered key to ensure structural, systematic and operational prevention of violence and conflict. She said that the CEWER system has clear Gender-Specific Indicators as well as political and election conflict-related indicators. She further reported that the NPRC has put in place many activities which include engaging in dialogue with key stakeholders such as political parties, traditional leaders, church-



es, youths and civil society organisations. The activities aim to instil tolerance, inclusivity and

ultimately violent free and peaceful elections conducive for women's participation among others.



State of Transitional Justice in Zimbabwe 2020 Report



NTJWG PUBLICATIONS

Reflections on Launch of the 2020 State of Transitional Justice Report

On 1 September 2021, The National Transitional Justice Working Group (NTJWG) launched its 2020 state of Transitional Justice Report. The report explored the critical highlights in the transitional justice sphere emanating from 2020 and the key findings and recommendations, annotating what has been achieved in 2020 and benchmarking the work that still needs to be undertaken to further the cause of justice, healing, and reconciliation in Zimbabwe.

The participants included NTJWG members, NTJWG Stakeholders among them were:

- VERITAS;
- Heal Zimbabwe Trust;
- Hands of Hope Trust;
- Tree of life Trust;
- The Times Gweru.

The report noted that COVID-19 had a huge impact on the ongoing work by the NPRC and other key stakeholders hence the limited reach of transi-

tional justice programs to people who have access to technological devices. The report also shares the achievements of the NPRC, its shortcomings and recommendations to the new commissioners.

Concerns were raised on the continual destruction of the Gukurahundi memorial plaques, and it was suggested that the government should ensure that there is a national policy on memorialisation and active participation in memorialisation initiatives by protecting memorial plaques and prosecution of the people who destroy and steal the plaques. The report made the following recommendations to improve the efficiency of transitional justice processes in Zimbabwe and ensure lasting peace and reconciliation to independent commissions, government entities, and civil society.

- The NPRC's proposed Conflict Early Warning and Early Response (CEWER) should be broad-based, inclusive, and be able to adapt to the ever-changing conflict dynamic.
- Exhumations and reburials of victims of Gukurahundi must be conducted with

full consultations and unfettered participation of the relatives of the deceased and following their cultural practices.

- President Emerson Mnangagwa and the Government of Zimbabwe must design and deliver an effective apology to the nation for the enduring legacies of human rights abuses.
- Gender-specific harms must be unambiguously addressed in public apologies.
- Reforms in the security sector must be prioritised. To watch the recorded video of the launch click below:

to watch the full video
of the launch

The Stakeholders recommended that there is a need for other Independent Commissions like the Zimbabwe Human Rights Commission and the Zimbabwe Gender Commission to contribute to the Transitional Justice Process by addressing the issues that the NPRC is not addressing.

Statement in Commemoration of the Nelson Mandela Day

On 18 July 2021, the NTJWG published a press statement in commemoration of Nelson Mandela Day. The statement highlighted the significance of the day and how Zimbabwe relates to it. This year, the day was celebrated under the theme, "One Hand Can Feed Another." The NTJWG acknowledged that the COVID-19 pandemic has affected people's livelihoods and a lot of people are no longer able to feed their families. The level of food insecurity has risen. The NTJWG urged the Government of Zimbabwe, human rights organisations, humanitarian organisations, faith-based organisations, and the people of Zimbabwe to work together to tackle food insecurity that has the COVID-19 pandemic has worsened.

Statement in Commemoration of 1 August Post-Election Violence

On 1 August 2021, the NTJWG published a commemorative statement on the 1 August Post-Election Violence of 2018. In this statement the NTJWG noted that although 3 years

have passed since the occurrence of the 1 August post-election violence, the government has failed to implement the recommendations made by the Motlanthe Commission of Inquiry, the Government of Zimbabwe (GoZ) has failed to meet its obligation to prevent and stop the gross human rights by holding the perpetrators accountable and this has hindered the process of healing and reconciliation. The NTJWG continues to emphasise that this incident is still embedded in the memories of the victims, the survivors, their families and the nation at large. The Statement called upon the Government of Zimbabwe to put an end to the culture of impunity, to uphold the rule of law and to implement the Motlanthe Commission's recommendations. The full statement can be accessed by clicking below

to read the full state of
the transitional justice report

to read the full
fact sheet

To read the fact sheet on the 2020 State of transitional justice in Zimbabwe

Statement in Commemoration of Heroes Day

On 9 August 2021, the NTJWG published a press statement in commemoration of Heroes Day. The statement highlighted the significance of the day to transitional justice issues. The NTJWG noted that human rights violations, inequality, torture and arbitrary killing are still rampant in the new Zimbabwe even though the heroes fought the war to put an end to the oppressive system. The people of Zimbabwe continue to suffer and experience oppression at the hands of the government. The NTJWG called upon the Government of Zimbabwe to commit to protecting and upholding human rights in fulfilment of the ideals of the liberation struggle such as democracy and equality. To read the full statement, visit <https://www.facebook.com/NTJWZim/photos/a.902636386482643/4303102866435961/>

Statement in Commemoration of Defence Forces Day

The NTJWG published a press statement on 10 August 2021 in commemoration of Defence Forces Day. The NTJWG expressed concern

that members of the Defence forces are among the key perpetrators of human rights violations despite having a clear Constitutional mandate to protect the citizens. The members of the defence forces were the perpetrators of unforgettable human rights atrocities like the Gukurahundi and the 1 August post-election violence. The statement called upon the members of the Defence Forces to carry out their Constitutional mandate while respecting and protecting the fundamental human rights of the people enshrined in the Constitution. The full statement is available on <https://www.facebook.com/NTJWGZim/photos/a.902636386482643/4306187469460834/>

Statement in Commemoration of the International Youth Day

In commemoration of International Youth Day, the NTJWG published a press statement on 12 August 2021. The theme for the International Youth Day 2021 was, "Transforming Food Systems: Youth Innovation for Human and Planetary Health." The NTJWG acknowledged that the pandemic food systems crises in Zimbabwe and partisan distribution of food aid has and continues to be an issue of concern amidst concerns of food insecurity. The NTJWG noted that young people have often been lured to perpetrate violence under promises to meet their basic needs by providing them with food, among other things. The NTJWG recommended the government ensure that child-headed, and youth-led families are prioritised in a non-partisan distribution of food aid. The government was also called upon to support programs aimed at making up for the loss of income experienced as a result of the emergence of the COVID-19. To read the full statement visit <https://www.facebook.com/NTJWGZim/photos/a.902636386482643/4312395482173366/>

Commemoration of the International Day for Victims of Enforced Disappearances: Factsheet and Statement

On 30 August 2021, the NTJWG joined the rest of the world to commemorate the International Day of Victims of Enforced Disappearances. The NTJWG published a statement on enforced disappearances in collaboration with the Zimbabwe Peace Project. The factsheet defines the crime of enforced disappearances. It further explains the rights that are violated when enforced disappearances occur and these include the right to

liberty and security of a person, the right to life (when the victim is killed) and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. The factsheet also sheds light on the law on enforced disappearances in Zimbabwe and also gives recommendations to the Government of Zimbabwe to combat the crime of enforced disappearances. To read more information in the factsheet, visit <https://ntjwg.org.zw/fact-sheet-enforced-disappearances/?fbclid=IwAR1AQryU8OwQPytMTz2J0mWvfhfCHJR-TyctrunrK6jNLLdT9XJt3e2mOkY>

The NTJWG further published a statement in commemoration of the day. The statement noted that activists, human rights defenders, journalists and members of the opposition political parties are often victims of enforced disappearances and the government uses enforced disappearances as a tactic to silence opposition and criticism. The NTJWG called upon the Government of Zimbabwe to ratify and domesticate the International Convention on Protection of All Persons from Enforced Disappearances and to have transparent and independent investigations of the circumstances surrounding unsolved cases of enforced disappearances such as the case of Itai Dzamara by Zimbabwe Human Rights Commission together with the National Peace and Reconciliation Commission. To the full statement, visit https://ntjwg.org.zw/2889-2/?fbclid=IwAR11aN_nqNwYQkIHlYmWNDkb8Tz8PCOK9MuRH_MOCrhlvHoWLiLFzhIIGg

Other Developments

Updates on the Gukurahundi issue - The Constitutional powers of the NPRC usurped - On 21 August 2021, President Emmerson Mnangagwa met with the Council of Chiefs members to discuss and receive recommendations to resolve the Gukurahundi issues. The President has held several meetings in the past with members of the Civic Society Organisation (CSOSs) to discuss issues affecting the Matabeleland region. The Gukurahundi was highlighted as the outstanding area that needed to be addressed and traditional chiefs were given the mandate to spearhead its resolution. The President endorsed Traditional Chiefs to lead in resolving the issue in their respective jurisdictions. The National Council of Chiefs highlighted that the Gukurahundi issue should be victim-centred and strive to include various stakeholders. The key

issues that were raised include documentation, consultation of victims counselling and psychological support, reburials, exhumations, memorials, reparations and compensation.

Although the NPRC is given a specific mandate by the Constitution to deal with these matters to foster peace and post-conflict healing, it seems that this mandate has been given to the traditional chiefs. The initiative by the President to give chiefs the mandate to spearhead the Gukurahundi usurps the function and mandate of the NPRC. The NTJWG also noted that there was no reference to promotion of truth and accountability for the atrocities and the meeting was silent on the punishment of the perpetrators.

The NTJWG calls upon the NPRC to speak up against the undermining of constitutionalism by the President and the usurping of its constitutional power. However, it is important to sensitise the chiefs on the transitional justice issues so that they carry out the mandate they have been given by the President effectively and efficiently. The NTJWG also suggests that the accountability and punishment of the perpetrators are important in achieving national healing and it should also be a key issue for consideration.

NTJWG ACTIVITIES

NTJWG Second Quarterly meeting

The National Transitional Justice Working Group (NTJWG) convened a quarterly meeting with the NTJWG Board members on 28 July 2021. The purpose of the meeting was to evaluate the work done by the NTJWG in the second quarter of the year and reflect on how the NTJWG will proceed in light of the new COVID-19 regulations. The meeting also discussed opportunities and challenges faced by the NTJWG in implementing its programs. Additionally, it came up with recommendations on the convergence with other independent commissions to ensure effective transitional justice mechanisms in Zimbabwe.

NTJWG Justice and Accountability thematic Committee Meeting

The NTJWG convened a meeting with the Justice and Accountability thematic Committee members on 22 September 2021. The meeting aimed to provide a platform for the NTJWG

stakeholders working on Justice and Accountability in Zimbabwe to reflect and discuss the advocacy mechanisms to end impunity and tackle the obstacles to justice that allow perpetrators to avoid facing the consequences of their actions. The meeting also sought to discuss and adopt advocacy strategies to promote justice and accountability. It was highlighted that there is a need to convene training workshops for Traditional Leaders and sensitise church leaders on their role in Transitional Justice processes in Zimbabwe and sensitise the security sector.

Stakeholder Activities

Court Challenges

The Zimbabwe Human Rights Association (ZimRights), an NTJWG stakeholder, filed an application in the High Court in Harare on 1 July 2021, seeking a declaratory order that the newly appointed National Peace and Reconciliation Commission (NPRC) Commissioner, Advocate Obert Gutu has ceased to be a commissioner. The appointment of Obert Gutu as a Commissioner of the NPRC on 7 May 2021 by President Emmerson Mnangagwa, came shortly after he publicly joined Zimbabwe African National Union-Patriotic Front (ZANU-PF), a prominent political party. In terms of section 236 of the Constitution of Zimbabwe, 2013, if a commissioner of an independent commission is a member of a political organisation on his appointment, they must relinquish that membership within 30 days of the appointment or they immediately cease to be a commissioner. By the end of the 30 days, Obert Gutu had not publicly announced his resignation, hence filing the obligation in the public interest. Advocate Obert Gutu filed his notice of opposition in which he denied ever joining ZANU-PF. In his opposition, he stated that the public interview in which he publicly joined ZANU-PF was an expression of interest and intention. He further stated that

“I had not yet submitted a formal application, nor paid the required joining fee...I was not yet a member of the ZANU-PF political party.”

The NTJWG published a case alert noting this development. This has sparked a public debate and the public has raised concerns over his suitability and impartiality with some expressing their limited confidence and

trust in the national peace and reconciliation process. The Commission is perceived to lack the independence and integrity needed to resist internal and external pressures the case alert can be accessed on <https://twitter.com/zimhrngoforum/status/1417020617174523905?s=21>

NTJWG files complaint against theft of Gukurahundi memorial plaque in Silobela

The NTJWG on 20 September 2021 filed a complaint with the National Peace and Reconciliation Commission (NPRC) regarding the theft of the Gukurahundi Memorial Plaque in Silobela. On 29 August 2021, Ibhetshu Likazulu, an NTJWG stakeholder who works in pursuit of justice for the victims of human rights violations in Zimbabwe, focusing on the Gukurahundi massacres, worked with the people of Silobela in building a memorial plaque. The memorial plaque was built in remembrance of the men known as the Silobela 12, who were abducted and disappeared on 31 January 1985 during the Gukurahundi. The plaque was unveiled on 31 August 2021 in commemoration

of the International Day for Victims of Enforced Disappearances and was stolen by the morning of 1 September 2021. This is the second time this has happened in Silobela, with the first memorial plaque being stolen on 5 June 2021, just a day before it was to be unveiled on 6 June 2021. The NTJWG requested that the NPRC investigates the theft, publicise its findings after the investigation and refer the matter to the government to denounce such actions to affirm its commitment to peace and reconciliation. The NTJWG also recommends that the government formulates measures including Government assistance in protecting the community memorial sites to avert the continual theft of the memorial plaques.



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