

NEVER AGAIN

2018

**TRANSITIONAL JUSTICE
POLICY SYMPOSIUM REPORT**

21 – 23 NOVEMBER 2018
BULAWAYO, ZIMBABWE



NATIONAL
TRANSITIONAL JUSTICE
WORKING GROUP
ZIMBABWE



www.ntjwg.org.zw/symposium.html

2018

TRANSITIONAL JUSTICE POLICY SYMPOSIUM REPORT

21 – 23 NOVEMBER 2018
BULAWAYO, ZIMBABWE



NATIONAL
TRANSITIONAL JUSTICE
WORKING GROUP
ZIMBABWE



CSV
Centre for the Study of
Violence and Reconciliation

Published by

The National Transitional Justice Working Group of Zimbabwe
Suite 4, Number 1 Raleigh Street
P.O. Box 9077, Harare, Zimbabwe

©National Transitional Justice Working Group of Zimbabwe, 2018

Compiled by Tendai Chabvuta
Edited by Dzikamai Bere



Scan to Download
this report.

This publication may be reproduced for non-commercial use in any form, provided due credit is given to the publishers, and the work is presented without any distortion.

TABLE OF CONTENTS

The Executive Summary	1
The Context	4
Rationale for the Transitional Justice Policy	5
The Symposium Objectives and Design	8
Objectives:	8
Expected Outputs	8
Programme design:	8
Conference Proceedings	10
Day 1:	10
Welcome and Opening Remarks	10
Key Remarks by the Chairperson of the NPRC, Retired Justice Selo Nare	11
Zimbabwe's Transitional Justice Journey	12
The Case for Transitional Justice Policy for Zimbabwe	13
Plenary Lessons and comments raised	13
Panel Discussion: From Policy to Practice	14
Group Observations and Reflections	15
The right to Know.....	15
Right to Justice	15
Guarantees of non-recurrence.....	15
Right to Reparations	15
Critical Reflections on the Hard Choices for Zimbabwe	16
DAY 2:	17
Site Visits: Memory and Community Healing	17
Site Visits: From Sites of Atrocities to springs of Healing	17
Entumbane Reintegration Camps	17
Telling Painful Stories: Memories of the never die	17
Key Note Address: The Matabeleland Question	19
By Siphosami Malunga	19
A response to Siphosami's Speech by Pathisa Nyathi	22
Day 3: Policy Reflections	23
Reflections	23

Reflections on Institutional Transformation: Strategies for Security Sector Transformation and Amnesties	23
Amnesties in Zimbabwe: Mohamed Suma – International Centre for Transitional Justice ..	25
Dilemma of Hard Truths ad Reconciliation: Truth Seeking and Preservation Strategies	26
Thematic Committees Reflections	29
Policy Development and Implementation	29
Closing Ceremony	30
Keynote closing address	30
Immediate results	30
CONFERENCE OUTCOMES	33
Issues, Tools, Actors and Processes for Zimbabwe’s Transitional Justice Policy: Summary ...	35
Appendices:	38
List of papers presented:	38
About the conveners	39

THE EXECUTIVE SUMMARY

The National Transitional Justice Working Group (NTJWG) organised a Transitional Justice Symposium in Bulawayo, the second largest city in Zimbabwe from 21 to 23 November 2018. The theme of the conference was “***Never Again: Defining the Transitional Justice Agenda in Zimbabwe***”. The Symposium took place over a three - day period with venues spread all over Matabeleland in Bulawayo’s Nesbitt Castle, Bulawayo urban and a number of sites of atrocities across Bulawayo and the neighbouring communities. The meeting attracted 90 of the affiliates of the NTJWG as well as statutory bodies including the National Peace and Reconciliation Commission (NPRC), the Zimbabwe Human Rights Commission (ZHRC), the Zimbabwe Gender Commission, Members of Parliament, academics from the Africa University, Catholic University, Solusi University, youth organisations, church and religious leaders, traditional leaders, representatives from the security sector, the labour movement, the business community, the media, government departments, international actors working for institutions such as the International Centre for Transitional Justice, Swisspeace, transitional justice experts from Uganda and South Africa, a former Commissioner from the Kenya Truth and Justice Commission, the African Union Commission and several community based organisations working on transitional justice issues in Zimbabwe. The Centre for the Study of Violence and Reconciliation (CSV) was a key partner in the process and guided discussions on major issues around reconciliation, victim support, leadership transformation as well as bringing in the African Union perspectives on transitional justice.

Following the opening festivities, The Symposium opened with background presentations from the perspective of civil society. Tony Reeler walked the delegates

through Zimbabwe’s transitional justice journey highlighting the contributions of different transitional justice actors. Tony’s presentation noted that the policy of reconciliation was not new. It had been proclaimed in 1980 but was hampered by lack of sincerity on the side of leadership and continued violence. In the face of violence, civil society were a line of defence and support for many victims. Their work in documenting violations was in itself a truth seeking tool, a resource for the commissions today and the future.

His presentation was followed by the National Peace and Reconciliation (NPRC) representing the official transitional justice process. NPRC Chairperson Justice Selo Nare’s presentation summarised the functions of the NPRC focusing his discussion to three key issues which are:

- i. Healing
- ii. Reconciliation and
- iii. Forgiveness

Commissioner Ngoro spoke extensively about the history of violence in Zimbabwe ending with locating the role of the NPRC as a Constitutional body, and outlining its ten functions as well as the proposed strategy for dispensing its constitutional mandate. She summarised the achievements of the NPRC since its establishment. These include capacity building programmes, public consultations, conflict mapping, establishment of an early warning early response mechanisms ahead of the 2018 elections and coordinating the signing of the peace pledge. Commissioner Ngoro informed participants that the NPRC had established internal and external committees which could effectively help the body to achieve its objectives. She however, mentioned that the NPRC will need to work on building trust among citizens and stakeholders if it is to achieve better results.

These back to back presentations were designed to give as full a picture of the status quo as possible. From the NPRC, the presenters were the Chairperson Justice Selo Nare and Commissioner Choice Ndoro.

Otto Saki, Blessing Gorejena and Annah Moyo's presentations followed which were like a bridge between the past and the future, making a case as to why, considering all past processes, it was necessary to have dialogue on the possibility of a transitional justice policy for Zimbabwe.

Mr Otto Saki presented on key issues that should be considered when developing a TJ policy Framework in the context of Zimbabwe. He first noted that there are divergent views among Zimbabweans on whether the country is ready for reconciliation or not given that there has been a change of leadership, but the alleged wrongdoers are still in positions of power. He raised a point on the need for creative expertise in crafting a realistic policy for TJ in the prevailing Zimbabwean context.

To borrow lessons from regional and international experiences relating to transitional justice policy development and implementation, there was a panel discussion focusing on the African Union Transitional Justice Policy Framework. Anna Moyo from CSV, Koat Aler from the African Union and Jackson Odong spoke about the dynamics of translating policy to practice. It was noted that the African Union model was a good tool for the process. Kloat Aler noted that the AU transitional justice policy seeks to address governance deficits and developmental challenges with a view to advancing the goals of Agenda 2063, the Africa we Want. Jackson Odong's presentation gave the practical example of how Uganda's TJ policy was crafted with competency, albeit that it took a long time to be finalised. However, the country's implementation process of the TJ policy was slow. Odong warned that Zimbabwe needs to

be wary of the fact that oftentimes governments hides behind TJ processes that seek to rehabilitate and develop victims. Thus, to avoid TJ at times governments push for developments hiding the truth and perpetuating impunity in the process.

The second day was marked by activities which saw participants visiting different sites of atrocities in Matabeleland where the Gukurahundi atrocities occurred. The visits took participants to places such as Bhalagwe, Entumbane, individual homes of selected survivor families, as well as Amagugu World Heritage Site in Matopos. Dance, drama and poetry by local theatre groups depicting injustice linked to the Gukurahundi question were exhibited. In the afternoon, the visits ended with a major speech that was delivered by the OSISA Executive Director, Mr. Siphosami Malunga who spoke on the Gukurahundi, the work of the NPRC and how the state could transform the lives of those who had suffered the Matabeleland atrocities.

The third day was one of policy reflection. The participants got into sectoral groups and deliberated on key themes such as truth seeking, justice, remembrance, reparations, documentation and archiving. The groups deliberated on the discussions of the last two days and came up with draft proposals of the content they would want to see in a policy on transitional justice for civil society. The findings were presented to the plenary. NTJWG was commissioned to take the views of the plenary and work with a core team to draft the policy imperatives and strategy for its realisation.

The symposium produced recommendations in three categories:

- a. What are the issues that a transitional justice policy in Zimbabwe must seek to address.
- b. What are the tools and actors necessary to ensure that the target issues are addressed.
- c. What character must the process take to be

legitimate and effective.

The Symposium ended with a visit to the Joshua Mqabuko Nkomo Museum where a tour was conducted for all the participants. A summary of the events for the Symposium was given and the closing remarks were given by Mr. Alec Muchadehama - the Chairperson of the NTJWG. He noted the importance of the event as well as highlighting the need for civil society to keep the victims' concerns on their agenda as well as imploring the NPRC to do more work on transitional justice in Zimbabwe.

The participants got into sectoral groups and deliberated on key themes such as truth seeking, justice, remembrance, reparations, documentation and archiving.

2018

TRANSITIONAL JUSTICE POLICY SYMPOSIUM REPORT

21 – 23 NOVEMBER 2018
BULAWAYO, ZIMBABWE



NATIONAL
TRANSITIONAL JUSTICE
WORKING GROUP
ZIMBABWE



CSV
Centre for the Study of
Violence and Reconciliation



THE CONTEXT

The Zimbabwe nation state has for decades grappled with the question of justice for past human rights violations by the state as well as private individuals acting with the acquiescence of the state. The human rights violations which reached the level of atrocities such as the Gukurahundi massacres are well documented. Furthermore, the human rights violations have straddled across different epochs of Zimbabwe's history from the colonial period, through independence up to the long rule of Robert Mugabe. Human rights organisations and other civil society organisations have fought over the years to have these human rights violations officially recognised by the Government of Zimbabwe through advocating for comprehensive, consultative and inclusive transitional justice processes where the whole nation participates. There is a rich history of these efforts which is well documented by several human rights organisations such as the Zimbabwe Human Rights NGO Forum.

While the different epochs of violence have been well documented, it is also important to recognise the varied types of victims and human rights violations that have spanned the political, social and economic strata. Zimbabwe has experienced violence based on a political level during major political events such as elections, national demonstrations and other important national events. These violations have been perpetrated with thousands of fatalities for opposition political party members, civil society and the general citizenry. The Zimbabwe Human Rights NGO Forum has dedicated its work to documenting human rights violations since 1998 when it was formed and this information is publicly available. On the economic front, serious violations have been recorded with rampant bank closures, the devaluation of the Zimbabwe dollar at the time of dollarization after the formation of the Government of National Unity as well as the loss in value of pensions for millions of pensioners. The political and economic challenges faced by Zimbabwe over the years have led to a serious haemorrhage of the social fabric leading to rampant drug abuse by young people, a steep rise in domestic violence, an increase in cases of depression and other social ills in the population.

21 November 2017 saw a major event occurring in Zimbabwe when the military overthrew long time President, Robert Mugabe in a 'coup-that-was-not-a-coup'. His erstwhile Vice president, Emerson Mnangagwa who had been sacked returned to the country and took over as President. Subsequent elections were held on 30 July 2018 and ZANU PF won the Presidency and a majority in Parliament although the results remain contested. An EU report on the elections noted that among other questionable outcomes that the elections were unverifiable.

With all these challenges in mind, civil society organisations have remained steadfast and resilient pushing for reforms on the political front as well as demanding for transparency in the spending of public finances and an end to corruption. The Emmerson Mnangagwa led government has opened democratic space leading to civil society coming out and putting the transitional justice question on the agenda. More articles and opinion pieces have been written about past human rights violations including the Gukurahundi question.

The government has also come on board and given life to the National Peace and Reconciliation Commission (NPRC) by appropriating a budget and supporting the institution establish new activities. This move has been welcomed by civil society with caveats that the NPRC must do more to address past human rights violations including the Gukurahundi question, past economic justice violations as well as other civil and political rights violations.

The National Transitional Justice Working Group (NTJWG) is a consolidation of decades of efforts by civil society actors in Zimbabwe to find solutions to tackle the transitional justice questions bedeviling the Zimbabwe nation and state. The NTJWG is a platform established by forty-six Zimbabwean transitional justice stakeholders to provide the interface between transitional justice stakeholders. It is a culmination of the efforts of many stakeholders dating back to the Symposium on Civil Society and Justice in Zimbabwe which was held in Johannesburg, South Africa from 11 to 13 August 2003. In October 2012 and 2013, the Zimbabwe Human Rights NGO Forum organised the International Conference on Transitional Justice, bringing together stakeholders from civil society, churches, business, government, academia and international experts to deliberate on how best to achieve justice and give redress to victims of past violations. Both conferences produced a key recommendation on the establishment of a Working Group, whose framework would include working towards the implementation of various transitional justice recommendations.

These recommendations saw the birth of the NTJWG in July 2014. Among its key interventions in the past four years, the NTJWG has coordinated the development of the Minimum Standards for an Effective Peace and Reconciliation Process (2014), the development of the Guiding Principles on Transitional Justice in Zimbabwe (2015), Analysis of the National Peace and Reconciliation Bill (2016), which ultimately influenced the current law that was passed in 2017 and was put onto the Statute books on 5 January 2018. Currently, the NTJWG works with over 99 stakeholder organisations which include groups of survivors and publishes a regular monitoring report on transitional justice processes. The various activities including national consultation processes have been conducted as well as engagements with the government of Zimbabwe through the NPRC continue to be conducted across the country in a bid to tackle the political, social and economic rights violations of the past. The end goal for the civil society groups in Zimbabwe is to reach a place where the whole nation can say **#NEVERAGAIN** to human rights violations, organised and state sponsored violence as well as ensuring that there is memorialisation for past atrocities, that there is remembrance for victims and survivors, adequate compensation through restitution and development programs, psycho-social programs, economic reparations programs and criminal justice. Programs to know the truth about what really transpired at every turn there was violence meted out on Zimbabweans by the state or its agents are also critical.

Rationale for the Transitional Justice Policy

15 years after the 2003 Johannesburg Symposium on “Civil Society and Justice in Zimbabwe”, most of the resolutions made by civil society in Zimbabwe remain outstanding. Ten years since the 2008 **“Options for Transitional Justice in Zimbabwe Workshop”**, the minimum demands by civil society remain unmet with no indication that there is a political will to do so. Three years after the NTJWG’s 2015 Stakeholders Conference on **“The Guiding Principles on Transitional Justice Policy and Practice”**, no attempt has been made to adopt any policy on transitional justice, besides the NPRC Act. Several transitional justice provisions from the 2013 Constitution such as Section 210 which established the Independent Complaints Mechanisms to handle complaints against the security services have been ignored by the government and many victims remain hopeless that justice will be served. At the same time, the institutions that are responsible for gross violation of human rights continue to perpetrate such violations with impunity. It was out of this realisation, that transitional justice stakeholders who participated in the 7 February 2018 **“NPRC What’s Next Conference”** observed that “... Zimbabwe needs a comprehensive transitional justice policy that transcends a single institution ...”.

Stakeholders observed that in the absence of a national transitional justice policy/strategy, efforts to address historical crimes remain fragmented and disjointed. The NPRC is an important platform for dialogue, but without a supporting policy framework that Links it with other state actors, it remains a lone ranger at risk of running its course without making significant impact. A national policy is required to support its work. The office of the Advisor to the President on Peace and Reconciliation that had been introduced by the Mugabe administration has since been abolished. The current framework within which the NPRC is operating is based on the broad provisions of the Constitution of Zimbabwe as well as its enabling law. This framework, even after the enactment of the NPRC Act, is inadequate in setting the national transitional justice agenda. This is because the discourse of addressing historic atrocities both precedes and succeeds the NPRC. The NPRC offers an important, unprecedented opportunity for a national, official, constitutionally mandated dealing with the past process but it can't take place in isolation and cannot be expected to deal with everything. There is need for a broader policy: one that prioritizes what is necessary for peace reconciliation, one that acknowledges the necessary trade-offs and existing limitations as well the challenges of reconciliation unique to Zimbabwe.

It has thus become critical for stakeholders to take a proactive approach and go beyond the resolutions, demands and principles by using fair practical implementation of measures that will indeed ensure justice for victims, accountability for perpetrators and the guarantee for non-recurrence.

From this context, it has become critical for stakeholders to take steps towards the development of traditional justice policy to ensure a more comprehensive approach to transitional justice in Zimbabwe.



THE SYMPOSIUM OBJECTIVES AND DESIGN

THE SYMPOSIUM OBJECTIVES AND DESIGN

Objectives:

- To identify and consolidate the key elements of a practical and implementable transitional justice programme for Zimbabwe's state and non-state actors.
- To provide a platform for stakeholders to contribute to the development of a proposal for a draft transitional justice policy framework for Zimbabwe.

Expected Outputs

1. A clear catalogue of preferable transitional justice measures necessary for Zimbabwe's transition to sustainable peace;
2. A draft transitional justice policy framework for Zimbabwe;
3. Recommendations on measures designed to fill in the gaps in the existing initiatives and
4. Enhanced capacity for stakeholders to effectively drive a victim centred transitional justice agenda for Zimbabwe from various thematic angles

Programme Design

1. Presentations:

- Expert presentations on the selected elements of a composite transitional justice programme and
- One discussion paper on a proposed transitional justice policy/strategy for Zimbabwe.

2. Plenary

- Group discussion on the practical strategy implementation dynamics for a national transitional justice strategy.

- A plenary session will populate different aspects of the framework with practical transitional justice measures with time frames for each set of goal.

3. Community Dialogue and Exhibitions

- Community visits, Community dialogue, exhibitions and interactions survivors of past atrocities

4. Drafting

Post symposium, NTJWG Secretariat was tasked with using the information for the symposium for the following:

- Strategy and policy drafting experts will consolidate the outputs from the discussions into a policy framework and
- Accompanying resolutions for implementation will be drafted

5. Adoption of the draft policy

- After making the necessary adjustments, secretariat will push for the adoption of the shadow policy and lobby for its official adoption and implementation.



CONFERENCE PROCEEDINGS

CONFERENCE PROCEEDINGS DAY 1

Welcome and Opening Remarks

The conference commenced with welcome remarks from Reverend Dr Ray Motsi (the NTJWG Thematic Leader on Memorialisation).



NTJWG Member Dr. Ray Motsi and Commissioner Chiriseri (ZHRC) arrive at the castle for the symposium

Dr Motsi introduced the work of the NTJWG since 2012 when it was established and its different thematic committees which include; the Justice and Accountability Committee, Institutional Reforms Committee, the Gender Committee, Memorialisation Committee, Truth and Reparations Committees. Dr. Motsi also noted that as Zimbabweans, the people in the Symposium can find solutions to the transitional justice questions in Zimbabwe.

Paul Themba Nyathi, the NTJWG Deputy Chairperson standing in for the working group's Chairperson, Mr. Aleck Muchadehama, noted the importance of the symposium and its uniqueness in the current prevailing Zimbabwean environment. He pointed out that the platform is a national symposium represented by people across Zimbabwe and it is meant to produce a people - driven Transitional Justice Policy. Nyathi echoed that the NTJWG is fully aware that the Constitution of Zimbabwe established the NPRC. He noted that this was a recognition of past human rights violations and that its key agenda is to address

gross human rights violations perpetrated in different conflict episodes. *"It is a recognition that we did not deal with the past adequately including issues of Murambatsvina, electoral violence, poverty,"* he noted. And, therefore, *"we are here to ask ourselves on the way forward rather than asking who committed what violations"*. Among some of the key issues noted by Nyathi were that *"at times people are dead set against transitions because they are not sure what they will transition are transitioning to"*. He reiterated the often mentioned point that violence is humiliating to victims as it denies victims their dignity but is equally detrimental because it contaminates the values of the perpetrators. With regards the diversity in the representation of all sectors in Zimbabwe he acknowledged participants that had attended from Harare, Nyanga, Binga, Mtoko, Gwanda and other places noting that this signified the richness of Zimbabwe's cultural values. Mr Nyathi lamented several issues:

- that there was no justification for the 3million Zimbabweans who were in the diaspora.
- that those who were entrusted with the task of leading should lead with honour.
- that there was need to strengthen the urgency of ordinary people to question the accountability of leaders.
- That 75% of our people cannot continue to live in abject poverty and the situation is treated as normal.

Mr Nyathi closed by urging participants to seriously consider standing up and actively participating in national processes to hold leaders accountable and to benefit from contributions to national processes ultimately leading to a place where Zimbabweans with one voice can say *"NEVER AGAIN"*.

Nomfundo Mogapi, the Executive Director for the Centre for the Study of Violence and Reconciliation (CSV) in her remarks congratulated the people of Zimbabwe for taking steps towards national healing and reconciliation as reflected by the enactment of the NPRC Act and the work of different civic organisations and government including the NPRC.



She pointed out that among other issues what she called the “*paradox of transitional justice in Africa*”. She noted that:

- There is a history of poor transitional justice policy implementation in Africa, hence the need to draw lessons from various actors, jurisdictions and experiences to ensure that the Zimbabwean TJ process is successful.
- It is a concern that fault lines on democracy are depleting on the African continent as interparty conflicts are increasing.
- The distinction between victims and perpetrators is sometimes difficult to identify (as their faces are sometimes similar), hence the need to craft inclusive policies that provide holistic solutions.
- Many institutions (family level for instance) that should protect victims are wounded and are not adequately capacitated to support those who needing protection hence the need to pay attention to invest in building strong institutions for effective psychosocial support services.
- Psychosocial support services are a critical gap in most TJ processes particularly on families affected by violence.
- Failure to invest in healing will create intergenerational trauma and perpetual violence.

Ms Mogapi ended by urging Zimbabweans that “the world is watching, Africa is watching, Zimbabweans are watching, SADC is watching and would like to learn from Zimbabwe’s processes. Never Again must echo in your hearts and in the hearts of your leaders to avoid sabotage”



Scan the code to watch the video.

Key Remarks by the Chairperson of the NPRC, Retired Justice Selo Nare

The Chairperson of the NPRC, Retired Justice Selo Nare gave his key note speech by describing the functions of the NPRC and narrowing his discussion to three key issues which are (i) Healing (ii) Reconciliation and (iii) Forgiveness. Justice Nare asked whether;

- Healing* is the final product of forgiveness. This means forgiveness is a precondition for healing.
- Forgiveness* entails memory of what happened and developing empathy on the circumstances of the perpetrator and a shared future (freedom from revengeful actions).
- Reconciliation* requires acknowledgement of the injury by the aggressor, it entails restoring relations that are free from yesterday’s hurt, healing the past and forgiving the perpetrator. It is about developing a new relationship and new attitudes. He also described reconciliation as the meeting point between the past pains and the future.



- He also noted that in JT policing, victims should be central, and victims have a right to fair remedy. He however, mentioned that servant leadership (a humble leadership) is a necessary condition for restorative justice.
- In closing, Justice Nare highlighted that the condition for healing is truth, forgiveness and reconciliation and that there is a disjunction between forgiveness and reconciliation which is a quest for state craft and political practice reconstruction.



Scan Code to watch the video.

Zimbabwe's Transitional Justice Journey

Taking Stock, Progress, Challenges, Opportunities and Lessons.

(presented by Tony Reeler –NTJWG and Commissioner Ms. Choice Ndoro –NPRC)

Both Tony Reeler and Commissioner Choice Ndoro observed that Zimbabwe and its people have experienced different conflict episodes that warrant a TJ process. They both indicated that the pre-colonial, colonial and post-colonial conflict episodes deserve attention as the TJ process commences.

Tony Reeler's presentation and highlights

- Zimbabwe's 1980 reconciliation policy (at independence) was rendered useless by perpetual violence against citizens as was the case with Gukurahundi and various electoral episodes.
- Civic Society Organisations contributed immensely towards the protection of victims, ending impunity and advancing rule of law through documenting human rights violations and providing psychosocial support services to victims of violence such as legal services, food and other services.
- CSOs also played a big role in advocating for social justice locally and regionally (at the African Union Human Rights Commission,

SADC Tribunal and at UN levels)

- There is already a truth telling instrument by CSOs in the form of documented human rights violations.
- Zimbabwean CSOs played their part before the transitional period and the country now has a new constitution (The 2013 Constitution) and has systems that could help TJ to take place.



Commissioner Choice Ndoro's presentation and highlights;

Commissioner Ndoro's presentation highlighted the NPRC's journey from the appointment of the Commissioners in 2015, their swearing in 2016 and the enactment of the enabling Act in 2017. In her presentation, she highlighted that;

- Between 2016 and 2017, while waiting for the enabling Act for the NPRC, the institution engaged in a capacity building process including the development of an incremental strategic plan. They also developed 16 organisational policies including the conceptualisation of the NPRC mandate.
- The NPRC public consultations and review of literature revealed that there are long and deep-seated conflict issues dating back to the pre-colonial era which cannot be ignored.
- Structural violence, unresolved racial and ethnic conflicts as well as unequal resource distribution have historical traces from the colonial period, hence the need for a holistic and inclusive approach to the transitional justice process.
- To become proactive, the Commission established early warning and early response systems ahead of the 2018 elections. The Commission also campaigned for peace through National Peace Pledges and Peace Caravans.

- In closing, Commissioner Ndoro informed participants that the NPRC has established internal and external committees which could effectively help the body to achieve its objectives. She however, mentioned that the NPRC will need to work on building trust among citizens and stakeholders if it is to achieve better results.

The Case for Transitional Justice Policy for Zimbabwe

Otto Saki

NTJWG Independent Expert

Mr Otto Saki presented on key issues that should be considered when developing a TJ policy Framework in the context of Zimbabwe. He first noted that there are divergent views among Zimbabweans on whether the country is ready for reconciliation or not given that there has been a change of leadership, but the alleged wrongdoers are still in positions of power. He raised a point on the need for creative expertise in crafting a realistic policy for TJ in the prevailing Zimbabwean context. Saki underscored that;

- The TJ policy should be clear on what remedies will be provided to victims of past human rights violations.
- There should be a shared understanding of what justice means by putting the victims at the centre while cognisant of the rights of the perpetrators too.
- There should be synergy between the NPRC and different government departments. Hence the TJ policy should clearly outline different anticipated linkages. For example, the role of the Social Welfare department in facilitating rehabilitation.
- The policy should clearly outline how the TJ process will be funded as it is costly to address the past as it is when addressing the future. The Ministry of Finance, for instance, should be cognisant of the need for national healing and reconciliation and therefore, must allocate resources commensurate with

the work as expected.

- There is need to include economic justice in the TJ policy. Most TJ policies tend to consider political violations mainly.

Mr. Saki, in closing emphasized that the intended policy framework is not meant to displace the NPRC but to complement the work of the commission as well as creating enabling pointers towards a holistic TJ process.

Plenary Lessons and comments raised

- Zimbabwe's transitional attempts are failing because there are people who benefit from the country's perpetual violence (***violence entrepreneurs***).
- Zimbabwe ***inherited infrastructures*** and instruments of violence at independence at the expense of a meaningful transition.
- Zimbabwe's conflicts ***are embedded in the fight for resources***.
- ***The NPRC's lifespan (10 - year count) remains unclear***. The government is yet to determine the period in which the Commission starts counting its lifespan. Should the 10 - year life span be from the time the Commission was sworn in (2013 – 2023) or from 2018 – 2028.
- There is need for ***shadow policies and commissions*** to mirror government appointed Commissions.
- There is need to ***include victims*** in both the process and content of TJ policies development.
- The relationship between perpetrators and victims today is that of ***enemies with intergenerational hate***.

SECOND SESSION

Panel Discussion: From Policy to Practice

Introducing the Dealing with the Past Framework and the African Union Model Policy (Annah Moyo CSVR, Koata Aleer –African Union Commission Department of Political Affairs and Jackson Odong – Makerere Law Centre).

To borrow lessons from regional and international experiences relating to transitional justice policy development and implementation, there was a panel discussion focusing on the African Union TJ policy. The AU transitional justice policy is a non-binding continental mechanism guiding AU member states emerging from violent conflicts and dealing with addressing past legacies of violence.

- Ms Moyo highlighted that in developing the AU transitional justice policy, five observable crucial components included; enough involvement of member states and citizens, developing collective ownership, drafting the policy in the language understood by target audiences, publicizing the draft policies as much as possible and ensuring that connections and networks developed during the drafting process are utilised when implementing the policy. The presenter shared that there is need to talk about implementation of the policy from the beginning and ensuring constant popularisation of the draft policies to legislators and other different stakeholders.

Another presenter, **Koata Aleer** also noted that the AU transitional justice policy seeks to address governance deficits and developmental challenges with a view to *advancing the goals of Agenda 2063*, the Africa we Want.

- There are countries such as Mali and South Sudan that are already using the AU transitional justice policy to shape their own national processes which Zimbabwe could also draw lessons from.
- The AU policy on TJ also takes into consideration traditional mechanisms and the involvement of non-state actors
- There is need to include monitoring and resource mobilisation mechanisms in the policy document to avoid operational challenges.
- The AU policy also provides different mechanisms for transitional justice which member states can contextualise to suit their own needs.
- There are themes that are cross cutting such as gender and women.
- Knowledge management and advocacy form key components of the AU policy.
- Monitoring and Evaluation is a strong feature of the policy.

Lessons from Uganda were also drawn from Jackson Odong's presentation. Jackson indicated that Uganda's TJ policy was crafted with competency, albeit that it took a long time to be finalised. However, the country's implementation process of the TJ policy leaves a lot to be desired. There is need to always consider implementation questions during the policy design process to avoid operational shortcomings. Odong pointed out that for a TJ policy to succeed, fundamental questions must be asked, and this was: Will the policy proposed be able to resolve the following:

- Order
- Human dignity
- Human rights culture
- Nurture democracy



A key feature that was present in the Ugandan model was the development of a Compendium on Conflicts.

- **Plenary Lessons and comments raised**
- The AU transitional justice policy took about 9 years to develop due to multiple levels of consultations and the need to build political will among members states
- Member states are not obliged to adopt the AU policy, but they can contextualise their needs using the guidelines provided in the policy
- There is a positive interaction between the AU TJ policy and other bodies such as the AU Court of Justice.
- How does the African Union policy on TJ interact with other African justice mechanisms such as the African Court and the African Commission?

Group Observations and Reflections

The right to Know

Chaired by Mr. Tobias Guzura –Zimbabwe
Open University

The group observed that the right to know is crucial because it is enshrined in the constitution of Zimbabwe (section 62). As such the truth is a necessity for all victims. The right is also crucial for education and knowledge generation. The right should be enjoyed at individual, community and national levels. Lastly, the group note that the right to know should be enjoyed at specific times and spaces desired by the victims.

“The Right to Know doctrine should be informed by the right to speak and the right to be freedom after speaking”.

Right to Justice

Chaired by Hon. Innocent Gonese

The group noted that the right to justice is about having all people being treated before the law. The right to justice should not only involve retributive justice, but also restorative justice. The group also noted that state institutions

should be stronger and impartial to discharge their duties effectively. It was also noted that in pursuing the right to justice, there is need to enhance administrative justice in terms of processes and procedures that should be respected. It is critical to deal with the culture of impunity. It was noted that there must be political will. The protection of eyewitnesses was pointed out as a key issue. The right to a fair trial was also outlined as one key issue under the right to justice.

Guarantees of non-recurrence

Chaired by Rev. Useni Sibanda

The group observed that the perpetrators of the violence are still in power and it makes it difficult for them to be accountable. This makes guarantee of non-recurrence a challenge in Zimbabwe. The group learnt that at independence, Zimbabwe did not transform, but it inherited the colonial structures of violence. therefore, there is need to start working with the grassroots to understand what communities want to promote sustainable peace. In pursuing a realistic TJ process, there is need to promote the Spirit of Ubuntu and addressing social and economic injustices (including unemployment). There is also need promote the role of traditional leaders as custodians of societies, building resilience, facilitating history writing projects and developing a variety of complementary human security policies.

Right to Reparations

Chaired by Ms. Rutendo Zinyemba

The group observed that the right to reparations should be viewed in three lenses including **restitution, compensation and rehabilitation**. For the right to be enjoyed, there is need to develop a guiding policy on reparations. However, challenges are likely faced in monetising the injuries caused. Communal developmental reparations may also be

undertaken besides monetary payments. The group also agreed that the War Victims Compensation Fund is an example of a reparations policy framework. In addition, there is need to consider what justice means to victims to be accurate on the kind of reparations expected by the victims in different contexts. The group advocated for communal reparations in certain instances. It was also agreed that Zimbabwe should maximise on promoting the right to reparations by using available documented evidence.

Critical Reflections on the Hard Choices for Zimbabwe

By Otto Saki

Reflections by Otto Saki detailed various issues that should be taken into consideration when developing a TJ policy for Zimbabwe. The details centred on what should be included in the intended TJ Framework. Some of the reflections critical to the policy were that;

- Remedies are affected by different time and horizons. Therefore, remedies suggested or prescribed must be sensitive to time and spaces. What are the parameters of the policy on TJ?
- Funding questions must address whether it will be coming from domestic or international sources. In case of international sources, the discussion could be a foreign policy discourse drawing from the colonial violations
- There must be a careful sequencing of events and remedies (what comes first and following)?
- Selective actions or remedies depending on contexts in cases of prosecutions should be considered. For example, prosecutions may not be strategic when the perpetrators are still in power.
- There is need for perpetrators versions of the truth –that information must be curated and put in place.
- Institutional synergies and their roles in TJ must be clearly spelt out in the policy.
- Amnesties should be debated whether they should be conditional or blanket. For instance, should amnestied be based on truth telling or they can be blanket).
- People must interrogate whether there is an appetite to have TJ at government level or it is only about having the NPRC.
- People should also ask whether there is need for a Peace and Reconciliation Policy and a TJ policy (or we need both). The discourse must focus on policies beyond the TJ also.
- Healing cannot be confined to the lifespan of the NPRC because some people may be ready to talk after the NPRC is gone. Therefore, there must be space for them to talk in the future.
- The level of disclosure and willingness to participate will be determined by the success or failure of the NPRC (confidence and trust deficit), hence the need to ensure that the PRC processes succeed.
- There is need to consider how TJ issues will go beyond the State level processes into including non-state actors to participate in TJ processes with ease (e.g. church, CSOs etc.).
- Religion and African traditional justice mechanisms are fundamental in TJ e.g. the church leaders and Traditional leaders have also been affected by the same violence and they bore the same brunt of violence. Therefore, the assumption that the leaders are strong enough to address the problems should be reviewed.

CONFERENCE PROCEEDINGS DAY 2

Site Visits: Memory and Community Healing

By Ukuthula Trust and Ibhethshu LikaZulu

Day 2 of the NTJWG Conference being in Bulawayo began with participants visiting different historical sites and heritage centres which depict Zimbabwe's conflict history and community healing practices. Visited places include; the Entumbane Reintegration Camps sites, the Queen of Peace Roman Catholic Church and Amagugu International Heritage Centre. In order to fully appreciate the experiences of the victims and survivors of conflict, witness stories by victims and survivors of the Gukurahundi atrocities were narrated. Reflections were also shared by different practitioners who are working with communities to overcome their lived trauma and while implementing different community level transitional justice mechanisms.

Site Visits: From Sites of Atrocities to springs of Healing

Entumbane Reintegration Camps

Participants visited Entumbane community, a site where uprisings between the Zimbabwe People's Revolutionary Army (ZIPRA) and Zimbabwe African National Liberation Army (ZANLA) forces started fighting while they were in reintegration camps (known as assembly points). A former ZIPRA War Veteran (name withheld) took the participants through the reintegration camps spaces and narrated their experiences. It was learnt that Enos Nkala's address to ZANU PF supporters at a rally held at White City Stadium could have prompted the uprisings. Mistrust and political tempers had been flaring between ZAPU and ZANU forces in the camps, but on the day in question Nkala allegedly told rally participants that they should establish vigilante groups to defend themselves

against possible ZAPU mutinies. The following day after his address is when gunfire started in the camps. It was also noted that;

- There were 4 reintegration camps in Entumbane; Camp 1 and 3 were occupied by ZIPRA forces, Camp 2 was occupied by ZANLA forces while Camp 4 was hosting the Rhodesian Front forces.
- The reintegration camps are, however, not easily identifiable as the residential places have been upgraded and marks of the gun shootings are no longer visible.

The participants also visited The Queen of Peace Roman Catholic Church. The church was built at the height of the Gukurahundi conflict. The church's uniqueness is that it houses memories of the Gukurahundi and pictures showing R.G Mugabe and Joshua Nkomo agreeing to turn their weapons into ploughshares with the help of the late Archbishop Karlel and Pop John Paul II.

Unfortunately, the picture, which has been visible to visitors since 1985, has since been concealed from the public using a curtain.

Telling Painful Stories: Memories of the never die

Amagugu Heritage Site

Numerous experiences of violence during the Gukurahundi were narrated with reflections on the future of healing and reconciliation processes. Phathisa Nyathi began by welcoming participants at Amagugu International Heritage Site followed by an eyewitness story of a mother who lost his siblings during the Gukurahundi atrocities. She recounted that her sibling was killed on February 18, 1984 when soldiers came to their home area and mobilised men and school kids to a site where they would be victimised. The soldiers' vehicle carrying her sibling and other school kids, however, crushed before reaching the site and several kids died. Her family was later forced to bury the body



Someone Lied - Theatre performance at Amagugu Village by arts group Victory Siyanqoba

after three days. The family was only able to rebury their beloved one and putting a memorial mark at the site where he was killed after 34 years - putting their soul to rest - with the help of Ukuthula Trust.

With reflections from Counselling Services Unit, Ukuthula Trust and other participants, the story helped delegates to learn that;

- Communities are desperately in need of healing and reconciliation interventions
- Without facilitating reburials, erecting memorial sites and other transitional justice mechanisms, there would be continued trauma among the victims of violence
- Cultural sensitivity is crucial when facilitating transitional justice interventions
- It is possible for communities to participate in their own healing when there is ownership of the processes.
- There is need to gather more evidence and understanding various conflict issues that took place in Zimbabwe's history to provide a holistic approach to TJ.
- The government has not been supportive of the healing and reconciliation efforts by CSOs, particularly on reburials of the victims of the Gukurahundi. For example, a church leader from the Methodist Church in Zimbabwe pointed out that he was once threatened by a Governor to stop supporting

reburials for the Gukurahundi victims or he leaves the community from where he was deployed to preach.

- The cases of mass graves are also peculiar in Manicaland. There are about 124 sites known as mass graves with some people buried in disused mines.
- While Gukurahundi stopped it has been continued through economic marginalisation and social inequalities perpetrated by the government including denial of job opportunities and land.

Chief Mathema also reflected that the cries of the people of Matabeleland are that they want to know the person who started Gukurahundi before healing and reconciliation issues are facilitated. He emphasized that the affected communities want the perpetrators should come out in the open and take responsibility of their omissions. The Chief also cited there are cases where some corpse would show that someone was killed by more than eight bullets – an indication that it was a planned killing as opposed to a mistake.

KEY NOTE ADDRESS:

The Matabeleland Question

By Siphosami Malunga

The keynote speech for Day Two was delivered by Mr. Siphosami Malunga, the Executive Director of the Open Society Institute for Southern Africa (OSISA). He opened his speech by noting that he was going to address three key issues, and these were outlined as below:

- That Gukurahundi and the Matabeleland question is a continuing atrocity
- Understanding the bitter truth of state involvement in healing
- The limitations of the NPRC and the alternatives to accountability

Sipho's personal experience with Gukurahundi

Sipho began his speech by telling a story of how Gukurahundi has engulfed his entire life and that he considers himself a victim of Gukurahundi. He noted that his entire family was a victim of Gukurahundi. He noted that his father, Mr Sydney Malunga, a veteran of the liberation war in Zimbabwe was accused of treason at one point on allegations that he was aiding and abetting dissidents in Matabeleland and that he was in the war Council for ZAPU. Sipho narrated how these charges looked bizarre for reasons that one of the key witnesses in the trial was his father's compatriot. To make matters worse, the trial was held on a Sunday to ensure that there would be no resistance on any other weekday.

Sipho went on to describe his difficult childhood wherein he was sent away from school for weeks on end because his school fees had not been paid since his father was in prison. What surprised Sipho in the end was that at any given time after being sent away from school, the school headmaster would always call him back after a few weeks of school. He later found out that the headmaster had been paying his school fees without Sipho knowing.



Sipho mentioned that after his father was released from prison, his grandfather died. One thing that worried his father was that he had been warned that if he dared travel outside his hometown “things would not go well”. He noted that it was then arranged that his older brother would attend their grandfather’s funeral. His brother went to the funeral and for four days no one knew where his brother was. The period at that time was an intense one because a lot of things had been happening including the killing of Jean Ntuta.

Gukurahundi came to define Matabeleland

With the narration of this story, Sipho noted that Gukurahundi came to define Matabeleland. He however lamented that, what people failed to realise was that Matabeleland was just like any other place in the country. Matabeleland “was the place to go” – for example places like Hope Fountain had the most prominent business people even from the Shona. It was not just a place for the Ndebeles.

Gukurahundi created a sense that Matabeleland was a place for Ndebeles. Sipho noted that “*I don't believe that the intention of ZANU PF was to eliminate Ndebeles but to destroy ZAPU but since the political party was based in Matabeleland, the outcome was genocidal*”. Sipho noted that it was possible that no one knows the mission or instructions of the political conspiracy”. He mentioned that Enos Nkala should have known about some of the issues and since he was now deceased he could mention him.

What happened with Gukurahundi

Sipho noted that what happened was that a few people who intended to destroy the only political institution that time is the most painful part. In his speech, Sipho narrated that he does not believe in injustice and that he expects that justice must be seen to be done. He mentioned that because of his beliefs he had defended someone who had killed 200 people in 30 minutes in East Timor. What was important was that the accused went through the process, witnesses came forward but he was still found guilty. He noted that he was available to defend anyone in Zimbabwe. Sipho noted that for now it was fortunate that no one had come forward to be tried in the courts as it left good chances for other options to achieve justice in Zimbabwe for Gukurahundi victims. He mentioned the following:

- Prosecution
- Truth processes
- Apologies and forgiveness
- Local customs and cultural norms (there is at times a stance that the family will sort it out) and this is at times is not easily understood by outsiders be it from Zimbabwe or abroad.

Perpetrators must step forward for they left a horrible legacy of ethnic hatred

Sipho noted that there are so many other possibilities but the truth of the matter is that the perpetrators must step forward. Sipho argued that there was no doubt that the perpetrators decided in 1981 to finish off ZAPU by removing the 20 reserved seats and in that process left a horrible legacy of ethnic hatred. Sipho contended that the people who committed Gukurahundi are known and should come forward.

The process was never just about the Ndebeles alone

He also noted that he believes the agenda was not to exterminate Ndebeles alone because there are clear examples of people from other tribes that were hounded by the Gukurahundi

perpetrators such as Nziramasanga. However, the unfortunate part is that the hatred sown has gone to a social level where for example even if football teams Highlander and Dynamos are playing in Barbourfields, Bulawayo you will hear Ndebeles saying “tshayi Shona”. Sipho lamented that the situation was never like that before. The ethnicization of politics into Karanga, Zezuru etc in Zimbabwe is what he lamented.

Crimes and guilt cannot be collective

Sipho noted that those who commit crimes must personalise and take ownership of their deeds and not try to collectivise their guilt. Sipho implored the participants in the meeting not to misdirect their anger lest it consumes them.

The quest for Never Again

Sipho noted that Zimbabwe must get to a point where as a people we say [These lines can never be crossed again]. He observed that Zimbabwe has continued to suffer from policies of impunity stretching from Ian Smith’s era into all the other epochs of violence in Zimbabwe. He noted that some of the amnesties had pardoned some of Zimbabwe's people who had raped and killed their own people and that could not be condoned. He gave examples of the murder of a white man by Edgar Tekere and his immediate pardon.

Pain cannot go away unless addressed

Sipho mentioned that victims generally hold on to their pain until their grievances have been addressed. He noted that the pain for the people in Matabeleland is never going to go away until addressed. He observed that it is more alive now than ever as the grievances pass from one generation to another. Sipho noted of a phenomenon that had struck him when one of his colleagues had mentioned that at least 68% of children in the Matopos area did not have birth certificates and thus could not access government services.

Is it possible to have healing led by the state?

Sipho observed that he understood the scepticism that people have that the same people who perpetrated violence could not be party to resolving the same conflict. He mentioned that there are days when he is on that same line of thought.

He however noted that the state cannot be avoided for many reasons:

- They committed the offences and thus they are part of the conflict.
- The state has many obligations to fulfil in response to the atrocities in Matabeleland and cannot plead the innocence of the 2nd or 3rd Republic if ever that were possible in Zimbabwe.

Sipho noted in strong terms that it was nonsensical to defend the perpetrators who are now in government on the reasons that since they are now in a new government their obligations had been obliterated. He argued that they cannot wash their hands off Gukurahundi.

- The state has a responsibility and civil society, victims and survivors have a duty to hold it accountable for Gukurahundi crimes.

He acknowledged the low hanging fruits that the opportunities presented by the so-called new republic noting that it would have been possible 3 – 5 years ago to hold such meetings as today in Zimbabwe.

He noted that the new government was willing to certain risks believe that it can manage the aftermath.

Minding the fear of the perpetrator vs acknowledging the fears of the victims and survivors

The presenter noted that there is a phenomenon where the perpetrator is afraid of the victim and vice versa where the victim is also afraid of the perpetrator. The fear is always the

same however, it is the people's collective interests that the process to come forward for perpetrators is facilitated.

Sipho noted that he understood that for victims there is always the case that they do not want anything to do with the perpetrators and he as not going to prescribe to them what to do but he wanted to discuss how people can take advantage of the opportunities presented by the current situation. The follow up question for Sipho was:

What can the government do?

He acknowledged the setting up of the NPRC and their involvement in the work of civil society, victims and other stakeholders. He noted that even the commission's presence at Matopos was important and showed a sign of changing things. He noted that the NPRC had created spaces instead of Command Commissions and they had abandoned the "you come to us approach of yesteryear Commissions".

Sipho noted that he respected all the Commissioners but had problems with how they had been appointed which threatens their credibility. His argument was on the fact that the Commission had been set up by President Mugabe and left without even a chair and no money at all. Sipho noted that the credibility of the Commissioners was not all lost and they could still regain it with a few changes.

What to do with the NPRC?

- **Composition of the Commission:** He noted that the NPC needs to be revisited by the President so that the issue of its ownership is re-established. He argued that the composition of the NPRC will be key.
- **Need for respectable people from the region in the NPRC:** Sipho noted that he did not have challenges with the current Commissioners but noted that there as need for better regional representation so that the

Gukurahundi issues could be dealt with better in the Commission. He acknowledged Justice Nare's presence and Chair of the NPRC but argued that the NPRC could do with some more regional and relevant representation. He argued that this would raise the people's confidence in the Commission.

The NPRC needs resources/funding: Siphos argued that there has not been much change from the old regime and if the new government wants to be seen to be different then it must put its mouth where its money is. He argues that it is strange that in Zimbabwe there is always money somewhere for this and other things but never money for important things such as healing and reconciliation.

Siphos noted that one way to push government to hold perpetrators accountable was in pushing them to fund the NPC and their commissions fully. He noted that these demands can be made by the people arguing that a stronger NPC would allow them to be able to decentralise and have more people reporting cases or testify.

He argues that if the government were to fund the NPRC well, it would be one practical of showing its seriousness and commitment to the process of healing in Matabeleland.

There is need for a separate Gukurahundi process: Siphos noted that there was nothing to stop the NPRC from establishing a special Gukurahundi Committee.



A response to Siphos' Speech by Pathisa Nyathi

Phathisa Nyathi acknowledged Siphos' speech and noted that the Gukurahundi was an attempt to destroy the ZAPU political and military infrastructure leading to ethnicization of politics. Ethnic politicisation has therefore created animosity and hatred among Zimbabweans. In closing Phathisa echoed that what is needed in Zimbabwe is building a nation(s) where people feel secure, happy and welcome as opposed to state building that is coloured with power struggles.

Closing remarks

Shari Eppel closed the reflections by showing participants evidence of reburials of the victims of Gukurahundi and how much the families had healed. She demonstrated how the power of reburials can facilitate healing and how it can assist in developing memory as well as gathering evidence of what happened during the conflict.

DAY 3: POLICY REFLECTIONS

“One victim yesterday told us that she lost five members of her family including her son. Her son was killed and thrown into a river while handcuffed. After three days, she had to ask for communal men to help her retrieve the body from the river for burial. Out of fear that the soldiers may come back and ask for the handcuffs, she had to cut the corpse's hands to remove the handcuffs and she returned them to the Gukurahundi soldiers”

– Reverend Sibanda reflections

Reverend Useni Sibanda opened the conference's third day by assisting participants to reflect on first two days Symposium's outputs drawing from various presentations and evidence by victims and survivors of the Gukurahundi atrocities. Below are some of the excerpt observations participants mentioned as relevant to the policy development process.

Reflections

- **State involvement in TJ** - The state should be at the centre of TJ given its involvement and control of the infrastructures of violence and conflict
- **Zimbabwe's History** - There are many narratives of the Zimbabwean history, hence the need to embark in a history project and documentation of various narratives including transforming the education curriculum. While there is no need to agree on the narratives, there is need to document all of them. *“As it stands, ZIPRA's narratives remain untold in full and it is not truly told in Zimbabwe's history”* – Retired Colonel Magwizi.
- *How do we reconcile the history that is told in the family and the history that is learnt in school?*

- *Symbolic meanings attached to the conflict that happened are diverse and should be valuably reconciled valued. For example, Gukurahundi is seen as a tribal/ethnic conflict, an economic conflict, a political conflict between ZAPU and ZANU etc*

- **Collective memory** - in relation to the history project is the development of mechanisms to develop collective memory that tells the Zimbabwean stories of violence, conflict and development. Questions that should be answered include;
 - Who should facilitate memorialisation of history as it is part of national healing?
 - How can there be a collective national narrative?
- **Matabeleland story** - Most Zimbabweans do not know the Matabeleland story of Gukurahundi. The general populace was largely prevented from knowing what was happening in the region during the Gukurahundi era, hence the need to deliberately popularise the story to create awareness and understanding.
 - **New insight:** Gukurahundi was not a tribal /ethnic conflict but a political conflict meant to destroy ZAPU's military and political life.
 - **What is pertinent** is to alert the entire nation of what happened, the conflict took place when communication was blocked from the public (Phathisa Nyathi).
- **Victims Narratives** - there is need to ensure that victims narratives are extracted and documented for public consumption. The truth from primary and secondary victims must be considered valuable in truth telling and truth seeking
- **Financial Resources** - there is need for the NPRC to have guaranteed financial support so that it will be able to provide key services to the affected communities
 - Victims' social welfare - the government and the PRC should provide a victim support budget towards the victims' welfare including psychosocial support.

- **Research funds:** there is need to invest effectively in research (boost documentation and memory narratives)
- **NB: the NPRC funding allocations reflects and determines the extent of political will by the government and its stakeholders**
- **Advocacy** - there is need for multi-stakeholder engagements and advocacy particularly to parliamentarians in order to influence legislators towards the NPRC and the people's agenda for TJ. Target should be on the Parliament and the relevant Parliamentary Committees.
- **International best practices** - Zimbabwe should draw lessons from other jurisdictions including Kenya, Uganda and the AU transitional justice policing processes.
- **Culture and Arts** - culture and arts should be part of TJ approaches as they reflect what affected communities relate with and value within their own settings.
- **Psychosocial Support** - there is need to put in place psychosocial support mechanisms before embarking on outreach programmes that involve victims to avoid re-traumatisation
- **Victims and Witness protection** - there is need to address victims and witness protection within the TJ process as this determines the extent to which they will be able to come out in the open to narrate their experiences and seek remedy.
 - **Putting victims at the centre** to allow them to speak and demand justice
 - **Gender sensitivity**, particularly on women affected by violence and conflict. Setting up committees that deals with specific abuses may be helpful.
 - **Faces of the Victims and Perpetrators** - there are victims who have become perpetrators or vice versa, how can they be treated and protected
- **Victims expectations** – there is need to manage victims expectations to avoid re-traumatisation or mismanagement of their healing process
- **Inclusivity** - there is need to design mechanisms that encourages both victims and perpetrators to come out in the open to tell their stories
- **Outreach interventions** - There is need to identify engagement constituency priorities such as the security services. This action will prepare them to become softer and helpful to the TJ process.
- **Obligation to implement NPRC recommendations** - there is need to put clauses that oblige the government and authorities to implement the recommendations of the NPRC.
- **NPRC reactions**
 - *There is need to accept differently told narratives as traumatic levels and exposures were different with victims affected by different perpetrator motivations*
 - *The NPRC has established committees to deal with victims, gender and diversity issues and the Act puts victims, gender and diversity at the centre also.*
 - *There is need to facilitate healing for those who actually assist in TJ processes including church and community leaders and the NPRC itself to avoid sending the wounded to heal the wounded.*
 - *Stakeholders in TJ should consider understanding the NPRC Act in order to fully provide collaborative support and to answer specific TJ questions*
 - *The NPRC has also put in place specific mechanisms and plans to sensitize government institutions about handling victims' cases and queries.*

REFLECTIONS ON INSTITUTIONAL TRANSFORMATION: STRATEGIES FOR SECURITY SECTOR TRANSFORMATION AND AMNESTIES

Jeremy Brickhill and Mohamed Suma

Jeremy Brickhill and Mohamed Suma spoke about institutional reforms and the impact of amnesties in building sustainable peace. In Jeremy's presentation it was learnt that Zimbabwe inherited colonial institutions that were repressive, brutal and modelled to protect capitalists and the ruling elite. Further, the inherited system defines security in the context of traditional threats. As such Jeremy defined institutional reform within the context of security sector transformation towards advanced human security. Framing security sector transformation within the context of human security shift focus from the narrow definition of security which looks at state security agencies (army, police, central intelligence and prisons) into a broader definition that espouses human development (including education, health, poverty reduction, employment, water, climate change etc.).

Key lessons learnt were that;

- Institutional transformation is about human security, hence the call for security sector transformation
- There is need to build strong institutions that act above party politics
- Security sector transformation should espouse key principles – knowledge-based professional implementation, transparency and political impartiality, inclusive dialogue with all stakeholders and should be consensus – based with national ownership
- Multiple stakeholders should (state and non-state actors should be part of the conversation (including the academics, faith-based organisations, NGOs and CBOs, traditional leaders (Council of Chiefs), War veterans platforms, Parliament of Zimbabwe and the citizens.

Amnesties in Zimbabwe: Mohamed Suma – International Centre for Transitional Justice

The presentation on amnesties was made by Mr. Mohamed Suma of the International Centre for Transitional Justice. The key question for him was to answer the difficult question: “Do amnesties for or against peace”. The context for Zimbabwe is that different amnesties have been put in place to cover up different epochs of human rights violations. He outlined the different amnesties that have been legislated and implemented in Zimbabwe since 1975. Questions abound on the legality of the amnesties, whether Zimbabweans were consulted through parliament and other means. The presenter went on to discuss the international legal regime by conceptualising amnesty provisions and frameworks internationally. He noted that “amnesty” generally is not explicitly defined in international law and there is no treaty or international instrument on amnesty. The counter however is that here is international obligations for states to deliver justice for serious international crimes. Zimbabwe is party to several critical international instruments that quash amnesties issued for international crimes. The ICC is also one measure that has been put in place to deal with the scourge of amnesties across the world. In Africa, the AU Constitutive Act mandates states to protect victims' rights to judicial protection need to have their cause heard. Mohamed issued a disclaimer that there are instances where it might not be possible to prosecute all crimes perpetrated against citizens and the alternative becomes a resort to selective prosecution at least for international crimes. Mahomed also presented the case of amnesties that were implemented after the Sierra Leone war, the Congolese war and South Africa. A blanket amnesty had been issued and it seemed it was the best option to cease the war between RUF and the Government forces. The effects of the amnesty were quite detrimental as human rights and war crimes continued unabated in Sierra Leone.

Observers noted that the amnesty was perceived as having rewarded the war perpetrators. For the DRC, the amnesty law of 2009 had the effect of issuing a blanket reprieve for all international and serious crimes against humanity. To this day Eastern Congo remains a hotbed of international war crimes and serious human rights violations because among other reasons the perpetrators still operate freely. In South Africa, the well - known amnesty law was successful in many ways as a lot of information and truths were availed which reportedly led to healing for some survivors. However, Mohamed in his presentation lamented that some of the perpetrators who had been given amnesty had committed serious international crimes and worse still for some who had been denied amnesty by the TRC, they managed to get Presidential pardons and were let go from prison.

Mohamed went on to discuss the ideal situation in which amnesties should be implemented and listed the following points as critical:

- Amnesty laws should be limited e.g. to specific geographical locations, specific human rights violations with a caveat that excludes international crimes such as genocide, crimes against humanity and war crimes
- Amnesty laws should be conditional e.g. requiring that perpetrators issue public apologies before they can be granted amnesty or that they need to reveal all the truth they know about certain human rights violations.

Mohamed grappled with the question of whether Zimbabwe's political context was in favour of amnesties. In his presentation he noted that the population including all stakeholders need to be consulted as the past amnesties were biased and more partisan oriented granted to protect partisan interests.

Dilemma of Hard Truths ad Reconciliation: Truth Seeking and Preservation Strategies

Truth Seeking strategies: Lessons from Kenya

Tecla Namachanja, *Former Commissioner, Kenya TJRC*

The former Truth and Justice Commissioner from Kenya gave a narration of the Kenya atrocities from the 2007 elections and earlier efforts by then President Mwai Kibaki to establish truth, justice and reconciliation to deal with past injustices from Daniel Arap Moi's era. She narrated the journey that led to the establishment



of the Kenya Truth Justice Reconciliation Commission. She noted that the Commission faced serious criticisms largely around its legitimacy, the suitability of a Chairperson who had been a serving member of the past regime who was called a “functionary of Moi dictatorship”. The criticisms became worse and a section of the Commissioners stated criticising the Chair, Mr. Kiplagat from inside. Part of the criticism was published in a newspaper article written by the Vice Chair and another Commissioners and it went thus:

We write to end our public silence ... A truth commission, like a court, requires that its members be free of any actual conflict of interest, and a perception of partiality that is reasonably based. In other words, given the evidence against Kiplagat, it is reasonable to believe that or Chairman may not be independent, neutral, or fair with respect to some or all of the matters within our mandate”.

Navigating reconciliation through the TJRC, the presenter noted that there are three elements underpinning reconciliation and these are:

- Relationship building
- Encountering past injustices and not allowing them to hide moving forward
- Acknowledgment of past human rights violations is critical

“Reconciliation therefore, represents a place, the point of encounter where concerns about both the past and the future can meet. Reconciliation as an encounter, suggests that space for the acknowledging of the past and envisioning of the future is the necessary ingredient for reframing the present. For this to happen, people must find ways to encounter themselves and their opponents, their hopes and their fears.”

Tecla Namachanja
2018 TJ Policy Symposium

Truth Seeking and Presentation Strategies

Elisabeth Baumgartner, Swisspeace

Participants also learnt the importance of archiving and preserving data for TJ purposes. Archives are living documents which the government and CSOs working in TJ should consider crucial. They provide evidence to assist in truth recovery and memory preservation. In most countries, archiving has not been seriously done due to lack of resources, knowledge and sheer ignorance in some instances. However, for effective truth recovery and memory preservation, there is need to develop proper documentation and storage facilities with repositories. Management of archival systems and access to the archives are crucial to avoid 'deliberate' loss and destruction. Elizabeth's presentation on archival and truth recovery revealed that;

- Archiving is not a question of the past issues but the future responsibilities that should be carried by the government and stakeholders
- Archives support the right to know, the right to justice and the right to reparations.
- It is important to consider the content, context and structure of the information under consideration for archiving

Gender Inclusion, Diversity and Policy Options: Panel Discussion

(Nonhlahla Sibanda-Moyo, Nikiwe Ncube and Virginia Muwanigwa)

In a bid to understand the impact of gender dynamics on women in transitional justice processes a panel discussion was held. Gender goes beyond the two binaries of men and women or boys and girls by taking into consideration social constructs, systems and structures that perpetuate patriarchy within societies. The panellists underscored that while men are the usually the target of violence during wars and conflicts, women end up bearing the brunt of violence given their social roles in homesteads. For instance, women are used as sex objects and political baits in times of conflict and violence (war wives and sex slaves). On the other hand, women are portrayed as victims mostly yet they are also the brave people who face the real challenges in times of conflict. The presentations underscored that TJ processes in Zimbabwe should;

- Create spaces for women to talk about their experiences without fear. However, there is also need to ensure that the create spaces may not end up making women's narratives invisible in the TJ processes. In South Africa, it was learnt, about 60% of women reported their cases to the TRC, but

of 43% of them reported the cases as direct victims of the violations.

- Consider sexual violations as a special category in the NPRC processes and also ensuring that gender justice is integrated in all TJ processes.
- Ensure that there is both gender equality and equity considerations in TJ processes

It was also noted that;

- Integrating gender justice in all TJ processes should be achieved strongly by taking advantage of the constitution which affirms gender equality, provides for specific human rights and also establishes a Zimbabwe Gender Commission.
- Women who participated in the liberation struggle have not been honoured enough (they were neither compensated nor have their experiences documented in the country's history adequately).
- There is need for a Victims and Witness Protection Act to guarantee protection and safety.

THEMATIC COMMITTEES REFLECTIONS

Policy Development and Implementation

Institutional Transformation

Institutional transformation is anchored on security sector transformation. And it should consider low hanging fruits framed in the context of human security (human development).

- **Issues** - partisan government institutions, party-state conflation, mistrust between government and the citizenry, weak national institutions that cannot act above party politics and corruption
- **Processes** - inclusive, non-partisan, national ownership and knowledge-based professional implementation.
- **Roles and Responsibilities** - inclusive the following stakeholders; the academics, faith-based organisations, NGOs and CBOs, war veterans, traditional leaders, Parliament of Zimbabwe and the Citizens.

Truth Telling

- **Issues;** Define the truth, How do we get the truth, What truth, Whose truth, Where is the truth being told, Types / forms of truth, Conducive conditions for truth telling, Who has the right to hear the truth. Challenges with freedom before, during and after telling the truth, Availability of platforms for telling the truth and sources of the truth scarcity, Various forms of truth telling: - factual, forensic, public, private, women only, Sensitivity to culture, Sensitivity to gender, Victim / offender orientated, Accessibility of truths are held in government records, Protecting the truth from deliberate untruth, Equal opportunity to express the truth.
- **Process** - set minimum basics for truth seeking, prioritise truth telling, establish early warning systems, define determination of starting point, period, geographical and facilitate consultation with communities, classification of conflicts, establish what is to be done beyond the Commission.

- **Roles and responsibilities** - NPRC and its stakeholders' roles in setting priorities, establish transparency mechanisms.

Archival Reference

- **Issues** - Archives – opportunity, repository and place to keep records, incidences of conflicts, memories, ownership of information, Ethical considerations, Diversity of narratives
- **Processes:** Mapping of data questions, Security of data
- **Roles and responsibilities** - NGOs, Government agencies, academics

Knowledge Management

- **Issues** - Verification, validation and filtration of data, Collection and collation -research, Challenging restrictive laws (AIPPA and POSA), Security of actors sources and the information, Knowledge quality, Information storage
- **Processes** - Training, formation (understanding protocols and structures), Motivation of critical sources information, Analysis of information and situation, Ethical considerations, Stakeholder mapping, Understanding the politics of knowledge management, Dissemination and publishing of knowledge
- **Roles and Responsibilities** - NGOs, Government agencies, academics

CLOSING CEREMONY

Samukeliso Khumalo, NTJWG

As the delegates prepared for the closing ceremony, they took time to tour the Joshua Nkomo museum. Dr. Ray Motsi explained the significance of tour for transitional justice processes. Ms. Samukeliso Khumalo, a member of NTJWG led the proceedings of the closing ceremony.

Recap

Mr. Otto Saki summarised the events of the day and appreciated the work done by the teams and NGOs from Matabeleland. He observed that the work before the NPRC and the civil society organisations would not be able to bring back the dead in any way but would certainly help in remembering them and putting closure for survivors and victims. He also noted that the organisations should not see the work on transitional justice as part of an everyday project with log frames and project proposals but as a national duty that should be done for the sake of the people of Zimbabwe.

Remarks from NPRC Chairperson

Retired Justice Selo Nare gave his reflections on the three days of the symposium, emphasising the need for stakeholders to carry the work forward. He noted that the NPRC was mandated by the Constitution to assist the nation in healing and he understood the urgency of the matter. The Commission was ready for the important task and counted on the support of transitional justice stakeholders.

Keynote closing address

The NTJWG Chairperson Mr. Alec Muchadehama delivered the key note speech in closing the symposium. He described the journey that the NTJWG has taken since its formation and what it seeks to achieve. Key to his speech was an emphasis that the NPRC on its establishment. Among the key issues identified was the outstanding issue of the need

to transform state institutions that have been at the fore in violating human rights in Zimbabwe. Muchadehama also noted that in all the conversations on transitional and the establishment of a national transitional justice policy, government was supposed to program itself in a way that is responsive to the needs of victims. Muchadehama questioned where the 700, 000 displaced victims after Operation Murambatsvina went to, he asked a question on when and how the lies told thus far about Gukurahundi will be corrected and new narrative told. He also lamented the death of national values and argued that these needed to be restored as a collective effort by all concerned stakeholders including the government. Alec acknowledged the presence of legislators, development partners and victims' groups at the Symposium. He implored all of them to remain steadfast in their fight for transitional justice in Zimbabwe.



Immediate Results

- i. The convergence of civil society leaders in Bulawayo ensured that the transitional justice debate in Zimbabwe was kept alive and kept on the radar. Different stakeholders with different mandates met and created a certain level of consensus that would ordinarily not be possible without the convening of such a big meeting. Thus, consensus building on transitional justice strategies and policies in Zimbabwe was important.
- ii. The bringing together of civil society leaders, international actors and government officials facilitated the drawing closer together of ordinary voices with those of the government. The presence of the NPRC, Gender Commission and Human Rights Commission at the Symposium ensured that government had an opportunity to listen in to civil society voices. This can only create unity of purpose between the government and civil society on transitional

justice in Zimbabwe.

iii. The group discussions managed to facilitate the fleshing out of key issues on transitional justice that should be included in the transitional justice policy for civil society. Key issues were identified and these will be used to come up with the Transitional Justice policy for civil society.

iv. The site visits in Bulawayo and some on the outskirts ensured that there was a level of solidarity shown for victims and survivors of Gukurahundi and other violations.

v. The Symposium was beamed across the world on social media platforms such as twitter, Facebook and a dedicated website for the Symposium. Zimbabweans in the diaspora, at home and the international community had a chance to beam into live streams of the event and share in the discussions. This was noted from the feedback through tweets sent in to

panellists. The radio interviews conducted by the NPRC with the civil society leaders were also key in sharing the message on transitional justice in Zimbabwe.

vi. The closing in of bridges/differences was important because of the meeting was important. Key interlocutors now know each other more and it removes any suspicions, differences or perceptions that might have been present.

vii. International partners were given a chance to take part in the proceedings and this gave them a chance to understand what civil society is working on in terms of transitional justice in Zimbabwe. Linkages were created with institutions from all over the world such as Uganda, Kenya, South Africa, Switzerland, EU countries and the African Union. These linkages are important for resource mobilisation as well as ensuring that the issue of transitional justice in Zimbabwe has international ambassadors.





CONFERENCE OUTCOMES

CONFERENCE OUTCOMES

Security sector Reform

The need for security sector reforms to be implemented came out in the Symposium and also as a key issue when the final evaluation was carried out. The participants identified the police, the military, the intelligence sector and other private groups heavily aligned to the state as needing reform. How the reforms will be carried out will need to be discussed and agreed upon by all stakeholders. What was clear in the Symposium is that the state needs to be demilitarised and the security institutions will need to be depoliticised so that they do not support the ruling party and are also non-partisan.

Truth seeking

The Symposium delegates were unanimous on the need for a comprehensive truth-seeking process for Zimbabwe's long history of human rights violations. This stance comes from the recognition that most of the narratives peddled in Zimbabwe about a lot of the massacres, the human rights violations and other histories are not factually correct. Different players especially political parties have manipulated the narratives to suit their own needs and to this day there has not been agreed narratives on the Gukurahundi, what happened during the 2008 bloody elections, Murambatsvina, the massacres from the liberation struggle and other epochs of violence. Questions arise on the fundamentals of such truth-seeking exercises on whose truth should prevail and who will verify and give the most valid truth.

Documenting and archiving for transitional justice

A discussion took place around the need to document human rights violations and other atrocities that have occurred in Zimbabwe. The key issue is that almost everyone depending on what violations they experienced knows what happened. However, what remains largely

missing from Zimbabwe's narratives is a more permanent way of documenting such experiences. While immense effort has been made into ensuring such processes take place through museums, libraries, the writing of reports, books, journals and other archiving methods, efforts remain disjointed and uncoordinated. The need for such a process cannot be overemphasised and needs to be implemented as soon as possible so that history is not lost due to weather and even human deliberate destruction.

Rehabilitation of victims through coordinated government support

One major issue that emerged from the Symposium was that of the need to rehabilitate victims and survivors through the provision of psycho-social support and other rehabilitative processes. A call was made for government to come up with deliberate processes that allow for victims and survivors to access medical and psycho social support free of charge in whatever region, problem they are suffering as long as it needs such psycho social support. The corollary to this issue is that the NPRC needs to engage other government Ministries such as the Social Welfare department and the Ministry of Health to come up with comprehensive and inclusive policies and programs to cater for victims and survivors of past human rights violations. The Symposium noted that the needs of victims and survivors were immediate and needed urgent attention.

What sort of amnesties if any for Zimbabwe?

The question of the myriad amnesties granted for past human rights violations starting from the colonial period to this day in Zimbabwe continues to be a major cause for concern. The amnesties that were granted for most perpetrators in Zimbabwe were largely illegal and would not meet the test of international standards on what crimes and who should be given amnesty after egregious human rights violations. It was noted in the Symposium that a

social contract would need to be established so that all sectors of the state and society would be able to interrogate how the amnesties can be dealt with to deal with the future.

Who should pay compensation on what crimes?

The Symposium had time to deliberate the question of restitution and compensation for past human rights violations. While it is clear that the state has been responsible for most human rights violations in Zimbabwe, the question of individual responsibility lingers on most peoples' minds. The delegates attending the Symposium noted that it would be difficult and unacceptable for the government to use their own taxpayers' money to compensate for human rights violations against the people of Zimbabwe. They noted that it would be akin to people compensating themselves while at the same time perpetrators continued to enjoy the proceeds of their ill-gotten wealth received as rewards for brutalising Zimbabweans etc. Issues around the abuse of the State Liabilities Act by the State were raised and the need for the repeal of such legislation was put on the table.

A stand - alone Gukurahundi legislation – any takers?

A discussion was held around the proposal for a stand - alone piece of legislation to deal with the Gukurahundi question. The proponents for this law argue that the atrocities in Matabeleland were so gross that they needed to be dealt with outside the normal realm of any other human rights violations. Other observers have however argued that to do so would be attempting to elevate Gukurahundi to a higher status than other episodes of human rights violations such as Murambatsvina, the massacres of Zimbabweans during the liberation struggle, the 2008 election related violence and the massacres of people by state security forces in Manicaland and the Midlands over diamonds and gold artisanal mining. All the arguments have merit and negotiations will have to be held

so that consensus is built around the proposal.

Reconfiguration of the NPRC

A call was made from the Symposium to have the NPRC reconfigured in terms of its Commissioners. An argument was put forward that since the NPRC Commissioners had been appointed by former President Mugabe, the whole process had been flawed and done for reasons not meant to deal with the transitional justice question in Zimbabwe. Two suggestions were put forward. The first one was that the NPRC needs to be reconfigured and have extra Commissioners or one more from Matabeleland. The idea was to get someone who is knowledgeable about Gukurahundi and would also be able to represent the victims and survivors of Gukurahundi. The second suggestion was to have Commissioners who did not have the right qualifications and apparently had not been appointed procedurally to be asked to step down and make way for more democratically elected ones who had the correct qualifications to be sitting in the positions.



ISSUES, TOOLS, ACTORS AND PROCESSES FOR ZIMBABWE'S TRANSITIONAL JUSTICE POLICY: SUMMARY

TJ Issues	Tools and Actors	Process and Principles
Investigation of episodes of violence like pre-independence violence, liberation war, post-independence Violations	<p>Commissions</p> <p>Academic institutions</p> <p>Reports</p> <p>Occasional papers</p> <p>Testimonials</p>	<p>Further collaborative research between Commissioners, universities and civil society actors</p> <p>Literature review and call for papers</p>
Gukurahundi	<p>Parliamentarians</p> <p>Specific Bill,</p> <p>Gukurahundi Commission</p>	<p>Local consultative process</p> <p>Locally driven and owned</p> <p>Knowledge based professional implementation of recommendations</p>
Security Sector Transformation	<p>African Union Policy on Security Sector Reform,</p> <p>Independent Commissions as institutions of human security,</p> <p>The judiciary as an institution of human security.</p> <p>Ministries of defence, home affairs, agriculture and finance</p> <p>Political party security formations</p> <p>The Reserve force, the war veterans</p> <p>Professional associations like the Law Society</p> <p>Victim support groups like ZACRO</p>	<p>Nationally driven dialogue on citizen safety and security.</p> <p>A comprehensive assessment of national security policy.</p> <p>Assessment of the understanding of post-colonial transformation prospects and realities in the security sector in Zimbabwe</p> <p>Development of a National Security Sector Transformation Plan for Zimbabwe,</p> <p>National dialogue to situate security related rights and protections within the context of security sector transformation.</p> <p>Regular institutional assessment of the security establishments</p> <p>Implementation of an agenda for innovation, modernization and transformation of the security system.</p>

		<p>Routine security policy review processes.</p> <p>History - Understanding the liberation struggle, not just as a battle for control of the state but also a struggle for human security and human rights.</p>
<p>Truth Seeking, Recovery and Preservation</p> <p>Truth-seeking for healing and closure – Mission Persons</p> <p>Truth-Seeking for Memorialisation</p>	<p>Independent Commissions</p> <p>Civil society actors</p> <p>Academic Institutions</p> <p>The judiciary</p> <p>Convening hearings, statement taking, call for evidence and records collection</p> <p>Archives for official bodies and non-official bodies</p>	<p>Addressing the official historical narrative</p> <p>Archival planning</p> <p>Mapping out what archives are available and relevant for transitional justice processes</p> <p>Ensuring the legacy of transitional justice mechanisms is preserved</p> <p>Identifying and securing endangered archives</p> <p>Both state and non-state archives are relevant</p> <p>Unpacking the legacy of war</p> <p>Guided by the right to know, justice, reparations and guarantees of non-recurrence</p> <p>Development of relevant policies on truth-seeking</p>
<p>Healing and Reconciliation</p>	<p>Victims and survivors of past conflicts</p>	<p>Relationship building,</p> <p>Encounter - Acknowledgment of the past</p> <p>Envisioning the future and reframing the present</p> <p>Addressing trauma</p> <p>Addressing the question of unmarked graves</p> <p>Personally and socially making peace with the past</p>

		<p>Addressing the spirituality issues associated with liberation war time crimes</p> <p>Assisting families of the missing including those who never returned from war</p>
Memorialisation	<p>Independent commissions</p> <p>Churches</p> <p>Traditional leaders</p> <p>Individual families and communities</p>	<p>Establishment of shrines and sites of memory</p> <p>Exhumations and reburials</p> <p>Naming and honouring the dead</p>
Laws	<p>Law reform commission</p> <p>The Ministry of Justice</p> <p>Parliament of Zimbabwe</p> <p>Civil society actors</p>	<p>Transitional Justice Audit of Legal Framework Governing and Affecting Transitional Justice Processes in Zimbabwe</p>
<p>Conflation of Party and State</p> <p>Part State Supremacy Complex</p>	<p>Political parties</p> <p>Selected state institutions</p>	<p>A study on the question part and state</p> <p>Institutional Transformation Strategy</p> <p>Intra-party transitional justice strategy institutional reform</p>
Justice and Accountability	<p>Office of the Attorney General, National Prosecuting Authority,</p> <p>The Legal Fraternity</p> <p>The Judiciary</p> <p>Survivors groups</p> <p>Amnesty and pardon law</p>	<p>Consultation and consensus building</p> <p>Dialogue on amnesties</p> <p>Development relevant laws and principles</p>
Reparations	<p>Survivor groups</p> <p>War victims compensation fund</p>	<p>Thorough mapping process</p> <p>Consultation process</p> <p>Development of a reparations policy and strategy</p> <p>Review and interventions on specific law that affect reparation</p>

APPENDICES

List of papers presented

- Zimbabwe's Transitional Justice Journey – Taking Stock, Progress, Challenges Opportunities, Lessons: Tony Reeler (RAU) and Choice Ndoro (NPRC)
- The case for Transitional Justice Policy for Zimbabwe: Otto Saki (NTJWG)
- From Policy to Practice: Introducing the Dealing with the Past Framework and the African Union Model Policy: Koat Aleer
- The journey to healing and closure for families affected by atrocities: Shari Eppel (Ukuthula Trust)
- The dilemma of hard truth and reconciliation: Tecla Namachanja (former Commissioner Kenya TJRC)
- Archival and truth recovery – Elisabeth Baumgartner, Swisspeace
- The Matabeleland Question: Siphosami Malunga (OSISA)
- Transforming the security sector – Practical strategies and models for Zimbabwe: Jeremy Brickhill
- Do amnesties work or for against peace? Mahomed Suma (ICTJ)
- Closing Keynote address: Alec Muchadehama

To download the papers presented at the Symposium, visit the symposium site on www.ntjwg.org.zw/symposium.html

ABOUT THE CONVENERS



NATIONAL TRANSITIONAL JUSTICE WORKING GROUP ZIMBABWE

That 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. It is a culmination of the efforts of many stakeholders dating back to the symposium on Civil Society and Justice in Zimbabwe which was held in Johannesburg from 11 to 13 August, 2003. In October 2012 and 2013, the Zimbabwe Human Rights NGO Forum (the Forum) organized the International Conference on Transitional Justice, bringing together stakeholders from civil society, churches, business, government, academia and international experts to deliberate on how best to achieve justice and give redress to victims of past violations. Both conferences produced a key recommendation on the establishment of a Working Group, whose framework would include working towards the implementation of various transitional justice recommendations (ICTJ I Report 2012:125 & ICTJ II Report: 2).

These recommendations saw the birth of NTJWG in July 2014. Among its key interventions in the past four years, the NTJWG has coordinated the development of the Minimum Standards for an Effective Peace and Reconciliation Process (2014), the development of the Guiding Principles on Transitional Justice in Zimbabwe (2015), Analysis of the National Peace and Reconciliation Bill (2016), which ultimately influenced the current law which was passed in 2017 and only became law on 5 January, 2018. Currently, the NTJWG works with over 99 stakeholder organisations which include groups of survivors and publishes a regular monitoring report on transitional justice processes. The NTJWG is Chaired by a leading human rights lawyer, Mr. Alec Muchadehama, who is Deputised by a veteran of the liberation struggle, Mr. Paul Themba Nyathi. The Forum is the Secretariat of the NTJWG.

Centre for the Study of Violence and Reconciliation (CSV)

The Centre for the Study of Violence and Reconciliation (CSV) is an independent, non-governmental, organisation established in South Africa in 1989. It is a multi-disciplinary institute that seeks to understand and prevent violence, heal its effects and build sustainable peace at community, national and regional levels. CSV does this through collaborating with, and learning from, the lived and diverse experiences of communities affected by violence and conflict. Through research, intervention and advocacy, it seeks to enhance state accountability, promote gender equality, and build social cohesion, integration and active citizenship. While primarily based in South Africa, CSV works across the African continent through collaborations with community, civil society, state and international partners.



2018

TRANSITIONAL JUSTICE POLICY SYMPOSIUM REPORT

21 – 23 NOVEMBER 2018
BULAWAYO, ZIMBABWE

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 (CSV). The theme of the symposium was, 'Never Again: Setting the Transitional Justice Agenda for Zimbabwe.' The symposium was designed to give Zimbabweans an opportunity 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 ensures that mechanisms are put in place to spur and drive national commitment to say 'Never Again' to violence.

Saying 'Never Again' to violence requires more than eloquent speeches and slogans. It requires a national commitment, expressed in concrete measures that transform a culture by uprooting all the seeds of violence and creating mechanisms for peaceful transformation of conflicts and opening the avenues of truth, justice and accountability to the many individuals, families and communities affected by past conflicts. In acknowledging the extreme importance of this vision, the symposium brought together delegates from a cross section of leaders in Zimbabwe, including civil society, churches, business, legislators, academics, international experts, traditional leaders, community elders, development partners, independent commissions and most importantly, survivors of past atrocities.

Over the course of three days, 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. In the second day, delegates travelled to six key sites of different atrocities in Matebeleland where they came face to face with the ugliness of violence and the horrors of non-closure. Survivors of past atrocities were brave enough to open wide their homes and hearts to the groups and to share their deepest angers, fears and hopes. Converging at the Amagugu International Heritage Trust in Matopos, reflections from families searching for closure continued with a very touching theatre performance by Victory Siyanqoba Trust, titled, "Someone Lied." The performance was followed by a candid dialogue around how the Matebeleland 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!' Thousands of Zimbabweans across the world joined the conversation online with their views being part of the deliberations.

This 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.

www.ntjwg.org.zw/symposium.html