

TWO years after soldiers shot dead six people in central Harare as the security forces tried to quell protests by the Nelson Chamisa-led MDC-Alliance, the victims are yet to get justice.

Following pressure from the international community, President Emmerson Mnangagwa appointed a commission of inquiry into the August 1, 2018 killings, led by former South African president Kgalema Motlanthe.

The commission made several recommendations that included compensation of the victims' families, electoral reforms, political co-existence and security sector reforms.

Mnangagwa set an inter-ministerial taskforce on political and electoral reforms to implement the Motlanthe Commission recommendations and on June 28 this year, Justice secretary Virginia Mabhiza, who was secretary of the commission of inquiry, said government had fully complied with recommendations of the commission.

Our acting news editor Everson Mushava (EM) caught up with Antony Reeler (AR), leader of thematic group on institutional reforms with the National Transitional Justice Working Group (NTJWG), and Frances Lovemore (FL), the transitional justice lobby group's thematic leader on reparations and rehabilitation, to get their views on what has been done, what is lacking and what needs to be done to comply with the commission's recommendations. The NTJWG is a non-partisan entity, which thrives to create platforms for dialogue to deal with the past.

EM: Starting with you, Mr Reeler, you lead the NTJWG thematic committee on institutional reforms, which deals with freedom and liberalisation of the media and electoral reforms and institutional reforms, and why accountable institutions are in a country. My first question to you is, which institutions have been at the centre of gross human rights violations in Zimbabwe?

TR: The Human Rights Forum has provided comprehensive documentation of gross human rights violations since its inception in 1998. Three important reports stand out for the period since the coup in 2017: the *New Deception*, *Guns Run Amok*, and *Ruled by Violence*.

The first, the *New Deception*, demonstrated that human rights violations since 2013 had become worse since the coup. It also demonstrated an alarming increase in violations by the military.

Reports prior to 2017 have generally shown a very low presence of the military, so this is very worrying trend.

Reports over the years since 2000 have always shown Zanu PF supporters as the major perpetrators, especially around elections.

The reports have also implicated the Zimbabwe Republic Police (ZRP), and mostly at times outside elections.

There are also reports of violence by supporters of the MDC, but these are in very low numbers in comparison. So it is fair to conclude that the main perpetrators are supporters of the government, and a number of state agencies.

I think that the reports would place the ZRP first, followed by the army, and the Central Intelligence Organisation (CIO).

I am not certain whether the war veterans would be classified as a state institution, but they have been frequently mentioned in reports

Victims wait for justice two years after killings

EM: For a country trying to deal with the past, why is it important to reform electoral laws and liberalise the media?

TR: These are two separate issues really. For transitional justice to take place, it is critical to have a free and independent media. This speaks to one of the cardinal principles of transitional justice, the right to know.

People need to know what has happened, and of course what is happening every day.

Zimbabwe is unique in the Southern African Development Community (Sadc) in not having a totally free press and media, every other country, for example, has multiple radio and television stations.

People have a right to know what is going on and this must include knowing what has happened in the past.

For example, it has taken decades for there to be open discussion about Gukurahundi, and this has really inhibited the building of trust between the people of Matabeleland and the rest of the country.

Free and fair elections are critical for state legitimacy, and the disputes over elections since 2000 have a very negative effect on Zimbabwe's international acceptability.

The government blames the international pressure on the land reform programme, but unacceptable elections have been just as important in the international disapproval.

So, Zimbabwe needs an electoral playing field that is completely level, institutions running elections that are clearly independent and free from government interference, and outcomes that are beyond criticism.

We are currently very far from this.

EM: I am sure the need for electoral reforms was covered extensively in the Motlanthe Commission report. Do you think there has been any traction in reforming electoral laws and liberalisation of the media, in line with the recommendations in the commission report?

TR: There is a good deal of talk about reforming these, but it seems to me that this is mostly rhetoric.

The government has a habit of postponing reforms until the 11th hour, and even then the reforms are usually cosmetic.

We still see the harassment of journalists as we speak.

And this is in the context of the government trying to amend the constitution in 27 ways, and this does not speak to any sense that this government is committed to the kinds of reforms promised under the "new dispensation".

Even worse, there has been no credible attempt to implement the main recommendations of the Motlanthe Commission, and the reason for setting it up, and this is the shooting of unarmed civilians.

I know of no credible investigation into the shootings and who was responsible, or anyone prosecuted for the murders.

There has been no plausible ex-

planation why this commission was even constituted when we had two independent commissions under the constitution that are set-up precisely to deal with these kinds of matters.

EM: You talk of two independent commissions that could have been tasked to do the inquiry. In your view, which other institutions need to be reformed to complement the above and ensure that there is non-recurrence of an incident such as the August 1, 2018 post-election violence?

TR: This is a very serious issue. Strong institutions and separation of powers are key to an effective democracy, and we do not have this in Zimbabwe.

It is not merely an issue of identifying a few key institutions but requires the wholesale reform of the state.

We need very clear separation of powers between the executive, the legislature and the judiciary, never mind the absolute requirement of the security agencies under civilian control.

It is common to refer to Zimbabwe as a captured state, and this is the problem that has to be addressed, not a piecemeal approach involving a few key institutions.

This is widely accepted and why the NCP, for example, talks about the need for comprehensive reforms.

Zimbabwe needs much more than better electoral laws or a free and independent press; it needs wide reforms, complete adherence to constitutionalism, and respect for the rights of citizens.

It needs a government that trusts its citizens, and does not regard those that think differently from the ruling party as enemies.

It needs a reform process that leads citizens to trust the government, but this is not going to happen without a large and comprehensive reform process.

This might not happen any time soon with the attitude of this government to criticism or the prospect that it can accept losing an election.

EM: Coming to you, Dr Frances Lovemore, you lead the NTJWG thematic committee on reparations and rehabilitation, which obviously looks at reparations for victims and survivors of the August 1, 2018 violence and other past rights violations. What do atrocities such as Gukurahundi, Operation Murambatsvina, the 2008 election violence, August 1, 2018, and the human rights violations committed in the aftermath of the January 14, 2019 protests have in common?

FL: The atrocities committed since 1980 have been committed by the state security apparatus or sanctioned by the state leadership.

Civilian youths have received active training in methods of violence through the Border Gezi youth training programmes, and agents of violence have remained embedded in communities.

Violence and torture have remained the response mechanism of the state against perceived opposition to the ruling party.

The increase in the use of inappropriate force by the armed security sector against unarmed civilians since 1980, and after November 2017 is a particular cause for concern.

EM: Bearing in mind the atrocities that were committed in the past, and the August 1, 2018 shootings in Harare, is there anyone who has been compensated for their losses or being taken care of due to their losses in line with the commission's recommendations for victims to be compensated?

FL: The scale of what has happened in the country and the period over, which it has happened has had a genuine impact on the state's ability to address the challenge of truth and reconciliation, accompanied with reparation.

The extent of involvement of duty bearers also has impact, the violence has not been limited to opportunistic retribution, but has been systematically organised by people in power, who under both constitutions actually have the duty to protect unarmed civilians, who are not in conflict with the state.

The scale of violence by security forces in a country that is not in conflict remains a major source of concern.

To date there are still 146 litigation cases from August, 2018 and January 2019, none of whom have received any compensation for death or injury.

However, it is understood that some funds have been allocated for loss of property, the criteria for claiming compensation for property loss is not clearly defined.

It is unknown as to who has received any compensation.

EM: 146 cases, it is a huge number. So what do you think needs to be done to ensure that victims and survivors of past atrocities are compensated?

FL: The inadequate investigations of all the atrocities that have been alleged over the years and the immunity to prosecution that the perpetrators have been afforded have created a culture of impunity that has penetrated many spaces of governance in Zimbabwe.

The impunity has contributed towards an ever increasing distrust of the state and its institutions.

The lack of reparations, and redress for victims and their families have increased the political polarisation in the country and impacted on development and stability.

Co-operation within communities is hampered due to perpetrators remaining free, and unsanctioned within communities.

Duty bearers frequently discharge their duties along partisan lines, leaving people marginalised and vulnerable and with very little access to remedial action.

Therefore, it is important to hold perpetrators to account, duty bearers to be non-partisan when discharging their duties, and to include everyone in the national peace, and reconciliation commission.

If victims are to access fair compensation for atrocities, the government needs to provide a genu-

ine process that enables the truth to be recorded, and acknowledged.

The current process through the National Peace and Reconciliation Commission has been fraught with delays and lack of funding, which has raised serious questions from survivors as to whether the state's intervention is genuine, and sincere. If this process fails in the eyes of the victims, the diminishing trust by citizens will have lasting consequences.

EM: Long-lasting consequences, can you clarify, what is the effect of abandoning victims and survivors of past atrocities particularly now when Zimbabwe is battling with effects of the Covid-19 pandemic?

FL: The impact of Covid-19 on Zimbabwe has yet to be fully felt. The systematic underfunding of health care in Zimbabwe has led to an almost complete collapse of health care services for the majority of the citizens unable to afford private sector medicine.

The non-Covid-19 related deaths have been increasing for many months, but now that Covid-19 is well established in the country, the closure of the hospitals due to both industrial action and the inadequate resources to respond have left the population at even higher risk.

An illness in a family is catastrophic financially, and often leads to morbidity due to inadequate treatment, or mortality which leaves vulnerable families even more vulnerable.

The escalation of state repression has impacted access to routine health care, ante-natal and post-natal, immunisation, routine follow-up on chronic illness, cancer care, surgery, the list is sorrowful.

EM: To what extent do you think Covid-19 will frustrate the limited efforts in transitional justice in the country?

FL: Covid-19 will limit the work of the NPRC, and its processes, the work of the courts, and the work of the victims themselves advocating for their issues, as travel and gatherings are no longer permissible or safe.

The limited term of NPRC will have an effect on the work it is mandated to achieve with the limitations created by Covid-19.

People who do not resolve the many long-term consequences of violence, and torture, mental, physical, and loss of property tend to remain dysfunctional and embittered, and there are salutary lessons from other countries on our continent with regard to victims transforming into perpetrators, and over the years we have monitored several previous victims who have crossed to the ranks of perpetrators.

EM: What is your last word to Zimbabwe regarding national healing?

FL: Zimbabwe needs a national conversation about its past and its future, and the citizens deserve to participate in political processes without fear of violence or retribution.