

## **Transitional Justice Options in Zimbabwe for 2009**

**Shari Eppel**

The year 2008 began with high hopes for a more free and fair election in Zimbabwe, and with the accompanying possibilities of this opening up sufficient space for the nation to begin to redress its one hundred years of state violence and impunity. However, the year is heading into its final weeks with little to be optimistic about, with the power sharing agreement of 15 September in jeopardy and the nation facing its most severe economic and humanitarian crisis ever. The months from April to June saw the worst state violence since the Gukurahundi massacres of the 1980s. Around 200 civilians lost their lives, with thousands more suffering torture and assaults as well as loss of their homes or other property as ZANU PF ruthlessly set out to reverse the gains that the opposition had made in the March election. War vet bases and torture camps were set up across the country; threats and coercion accompanied often by systematic torture became nightly events across all provinces, and even in urban centres.

The violence was allegedly masterminded and ignited by senior officers in the police and army who came and went in rural areas – but they have left a shocking legacy at the village level where shattered communities are now battling to deal with the devastating consequences. Much of this violence took place at the intra community level, and took the form of neighbours against neighbours, or even of family members brutally attacking other members. Within ten weeks, appalling damage was done to the social fabric in rural villages across the nation. Almost every victim of this violence can name at least some of their perpetrators, as they are from their local ZANU PF and war vet structures, or are local youth forced into taking part in beating those known to be MDC activists or supporters. Retributive violence is now taking place in some areas, while in others the perpetrators of terrible violence including murder continue to walk free and to threaten and sneer at their still cowering and extremely depressed fellow villagers.

A most urgent need in Zimbabwe right now is therefore to consider how best to begin some process of healing rifts among villagers, before we find ourselves dealing with new and worsening cycles of violence and retribution. In the context of the complete economic and social collapse of Zimbabwe, and in the light of the possible failure of the power sharing deal, this will be no easy task. It is unrealistic to expect any Zimbabwean to become “reconciled” to any aspect of their lives when 5 million citizens will be entirely dependent on donor hand outs by the end of the year, and when there are no prospects for employment, education or health care any time soon. However, if these very severe community rifts are

not addressed, then it will be close to meaningless to attempt to put development initiatives into rural communities, as the extreme hatreds and resentments will surely derail any such attempts.

In many instances it is the community leadership who have been most implicated in the recent violence and who continue to practise violent, divisive and discriminatory leadership – should such leaders be entrusted with new development initiatives before some attempt has been made to deal with their leadership style? And crude attempts to simply side-line the established leadership in favour of others will lead to new disruptive conflicts. Years of poverty and violence as well as an established leadership pattern of repression and exclusion emanating from the highest offices in the land, have converged to reinforce a destructive pattern of poor leadership across the nation.

Many capable people are now in the Diaspora, trying to eke out a living in order to send precious forex home to sustain desperate families. A recent survey in eight villages in four districts in Matabeleland could find nobody between the ages of 18 and 25 to take part in the survey – there is a missing generation now, “disappeared” by diasporisation and AIDS, which augurs poorly for the leadership of the future. Those questioned in this survey into the history of community development and violence, mostly described their local leadership as “poor” or “very poor” and described intra community relationships in the same terms. When asked about local community initiatives currently taking place, over 70% of respondents could refer only to burial societies, orphan care and care of the terminally ill; death, dying and the poverty left behind by the dead are the overriding preoccupation of such communities.

When asked about community needs at this time, 100% of respondents placed food as their most urgent need, with over 80% ranking water as the next most urgent need. Only 5% of respondents thought that “truth telling” was a community need when asked specifically about what needed to be done to redress decades of state violence in the area, but over 80% wanted exhumations or memorialisation of those still in mass graves.

Some civic groups both national and international are arguing for the need for high level prosecutions and for a formal truth commission/commission into abuses as soon as possible. Amnesty International for example, recently called for official investigations into abuses since 2000 - although Zimbabwe in fact has a history of state abuses dating back to the 1960s, 1970s and, most relevant, the 1980s that have not been accounted for. However, such transitional justice options may not be realistic at this time. Continued calls for the arrest of senior ZANU PF officials, while understandable, will fall on fallow ground in the near future. This is not to argue that such demands are not legitimate – they are – but to

suggest that there is unlikely to be sufficient democratic space in the next twelve months to make either high level prosecutions or a truth commission successful, although this will hopefully change thereafter.

But space is there for other transitional justice related processes to take place and for civics to play a key role in this. Civics has performed an invaluable role in documenting human rights abuses for decades, and for producing reports on their findings. There is a need now for these findings to be revalidated and rewritten as more considered histories that acknowledge more profoundly the broad structural and social nature and impact of state violence in Zimbabwe. Continued documentation and promotion of prosecution of community based perpetrators, especially those guilty of rape, murder and torture, should be a priority, while some other offences could find redress through traditional compensation processes. In some areas, such processes of very localised redress are already going ahead, with traditional leaders or church leadership mediating between specific victims and perpetrators. There is a need to document these local processes carefully, to learn from both good and bad practices.

The narrative truths around guilt and innocence in relation to political crimes are complicated and nuanced, and deserve a complex analysis if we are to make lasting sense out of them and produce local histories that will have the ring of truth for as many as possible. Political violence goes back as far as living memory in Zimbabwe, being re-enacted differently in every generation. In particular there is a discernable pattern of those who were victimised becoming perpetrators thereafter, and of old scores at the community level resurfacing over the decades, whenever a phase of impunity presents people with openings for vengeance. Considering the phenomenon of retributive violence already discernable in some communities in late 2008, we would do well to pay heed to this pattern as we anticipate the balance of power shifting in favour of the currently victimised groups during the years ahead.

Restorative justice is needed at every level. Community members need facilitation in re-negotiating damaged relationships to reduce the likelihood of people becoming pawns in violent political agendas in the future. Ordinary citizens need to be empowered to hold their leadership accountable and to understand that leadership is about responsibility and accountability and not about dominance and power. The institutions of traditional leadership and local councils need to be reformed over time to reflect this. All this is easy to suggest and extremely difficult to achieve. How to begin to achieve these aims will vary from one village to another, depending on its precise dynamics, history and human potential. But if we do not tackle the complicated processes of restoration of community in the profoundest sense, then the chances of the rehabilitation and development of other aspects of our nation are seriously diminished.