

Introducing the National Transitional Justice Working Group in Zimbabwe

1.0 Introduction

Today, we the members of the National Transitional Justice Working Group (NTJWG), would like to introduce ourselves to the people of Zimbabwe. The National Transitional Justice Working Group is a platform established by 46 non-state Zimbabwean transitional justice stakeholders to provide the interface between transitional justice stakeholders and the official transitional justice processes in Zimbabwe. In this press release, we would like to outline our vision, objectives and strategic goals as shaped by the mandate given to us by the varied transitional justice stakeholders in Zimbabwe.

2.0 Background to the Formation of the National Transitional Justice Working Group

The NTJWG 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. The Symposium, which was attended by leaders from over 70 civil society organisations from Zimbabwe, developed the key positions on how past human rights violations ought to be addressed. Some very important recommendations were made which included the need to put in place *mechanisms to ensure that past violations never reoccur in Zimbabwe*. Thus the Symposium recommended the need to *set up institutions to deal with past and present human rights violations and that such institutions be empowered not only to investigate and seek truth but also to recommend criminal prosecution, provide redress and reparations for victims, and lead to the healing of the nation*.

From 8 to 9 September 2008, just before the signing of the Global Political Agreement civil society leaders met at a *Transitional Justice Options for Zimbabwe Workshop* convened by the Zimbabwe Human Rights NGO Forum in Harare and adopted the following fundamental principles for transitional justice in Zimbabwe:

- Victim-centeredness
- Comprehensive, inclusive, consultative participation of all stakeholders, particularly the victims,

- The establishment of truth;
- Acknowledgement;
- Justice, compensation and reparations;
- National healing and reconciliation;
- Non-repetition (never again);
- Gender sensitive;
- Transparency and accountability; and
- Nation building and reintegration.

Just after the adoption of these principles, Zimbabwe's political leadership entered into a coalition government from 2009 to 2013. This period saw a number of reforms that are key to Zimbabwe's transitional justice process most importantly the constitutional reform process that saw the signing of a new Constitution for Zimbabwe into law by President Robert Mugabe on 22 May 2013.

During that same period, transitional justice stakeholders in search of redress undertook a number of initiatives for victims of human rights violations. These included litigation in the courts of law, rehabilitation of victims by organisations offering psychosocial support and proposals for the reform of key institutions.

In October 2012 and 2013, the Zimbabwe Human Rights NGO Forum organized the International Conferences 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 to work towards the implementation of various transitional justice recommendations. Participants stated that the members of the working group should be chosen through a transparent process considering the importance of objectivity, integrity and credibility (ICTJ I Report, 2012:125 and ICTJ II Report: 2).

It is important here to note that the Second Conference was convened after the signing of the new Constitution into law and its theme focused mainly on independent Commissions hence the deliberations were focused on the upcoming work of the

National Peace and Reconciliation Commission (NPRC) as established by section 252 of the New Constitution.

Following these recommendations, a follow up consultative meeting was held in Harare on 27 February 2014 to set the objectives, terms of reference and the structure of the NTJWG. 46 organisations including representatives from government, participated in the consultative workshop. Following on the recommendations of the consultative meeting, elections for the NTJWG were set for 23 May 2014. 31 Organisations representing various transitional justice stakeholders participated in the election, which elected an eight member National Transitional Justice Working Group. The members are as follows:

Mr. Alec Muchadehama:	Reparations / Chairperson
Prof. Pamela Machakanja	Independent Expert / Deputy Chairperson
Rev. Dr. Fraderick Chiromba:	Promotion of Truth
Ms. Roselyn Hanzi:	Justice and Accountability
Rev. Dr. Ray Motsi:	Memorialization
Ms. Memory Kachambwa:	Gender
Mr. Anthony Reeler:	Independent Expert / Institutional Reform
Mr. Otto Saki	Independent Expert

3. 0 The Nature and Structure of the NTJWG

The consultative meeting of stakeholders, on 27th February 2014, established the model structure for the NTJWG. It was agreed that the NTJWG would be structured around 5 thematic areas: *Promotion of Truth, Justice and Accountability, Reparations and Guarantees of Non-Recurrence, Memorialisation and Gender*. In addition, it was agreed that there would be three independent experts to support the different thematic areas and also on the areas that may not fit into any specific themes. The strategic planning meeting, which followed on 30 and 31 July 2014, added the 6th thematic area of Institutional Reforms and allocated one of the independent experts to head it. The NTJWG elected its Chairperson and Deputy for a period of 12 months. The Chairperson is the spokesperson of the NTJWG. The Zimbabwe Human Rights NGO Forum will be the secretariat for the NTJWG.

While nominated by different organisations, members of the NTJWG serve the group in their voluntary personal capacity to advance the needs of transitional justice stakeholders as expressed in the strategic plan of the NTJWG. All members of the NTJWG are accountable to the transitional justice stakeholders.

While some government entities participated in the formative meetings of the NTJWG, the NTJWG is not a government entity but an independent initiative by stakeholders.

4.0 Operating Context

The NTJWG comes into operation when Zimbabwe has just started operationalizing the new Constitution, which creates, in section 252, the National Peace and Reconciliation Commission (NPRC), as well as a number of other institutions that support a culture of human rights and democracy. This creates an opportunity for transitional justice stakeholders to contribute to any national process aimed at achieving post-conflict justice, healing and reconciliation. The NTJWG acknowledges that Zimbabwe is not in a post-conflict state and that there are attendant challenges to the current context. There is currently no consensus regarding the way forward. The current transitional justice discourse is top-down and there is need to activate the bottom so as to create a bottom-up approach. The NTJWG also acknowledges that there are not yet sufficient protection mechanisms for victims and the security situation is not conducive for an open dialogue regarding past violations. Violations of human rights are still ongoing and the economic aspects of transitional justice have been largely ignored. The culture of impunity continues to prevail. Within this context, the NTJWG realizes that there is need to work towards the transformation of the environment and the structures and create space for the realization of justice and accountability for all Zimbabweans.

5.0 Strategic Vision

Conscious of the stated context, the NTJWG shares with all transitional justice stakeholders the vision for a peaceful, just, accountable and democratic society. Our purpose is to facilitate consensus among transitional justice actors on appropriate transitional justice principles and processes for Zimbabwe. Our mission is to create an inclusive space for the coordination of transitional justice stakeholders, share experiences; build synergies for comprehensive, accountable, victim-centred and participatory transitional justice processes in Zimbabwe.

In pursuit of this vision, the NTJWG will be guided by the following values:

Integrity - Professionalism, Commitment, Truth, Transparency, Diligence, Honesty, Confidentiality

Inclusivity - Involving everyone regardless of sex, race, ethnicity, age, sexuality, belief, ideology and geography

Impartiality - Non-partisanship, Independence, objectivity

6.0 What to Expect from the NTJWG

- a. For the stakeholders, the NTJWG is home (inclusive space) for the coordination, sharing of experiences and building of synergies for comprehensive, accountable, victim-centred and participatory transitional justice processes. We will be calling on you along all the transitional justice thematic areas so that we can build a strong and united transitional justice front for the attainment of justice and accountability for all Zimbabweans.
- b. For the Government of Zimbabwe, we will be constructive partners, presenting ourselves and our constituency as willing co-builders of institutions and a culture that promotes justice for all. In a key note address delivered by the United Nations Special Rapporteur on the Promotion of Truth, Justice, Reparations and Guarantees of Non-Recurrence, Prof Pablo de Greif, at the Second International Conference on Transitional Justice in Zimbabwe, it was emphasized that Commissions do not start work from scratch but build on the work that would have been done by civil society over the years. We will supply any resources within our capacity on demand and share what the official transitional justice processes may require. We are not enemies of the state, but together with many state actors, we are partners for justice in accordance with the founding values and principles outlined in section 3 of our new constitution. In this partnership, we will play our part as stakeholders, providing information where required, pointing out weaknesses where there are any and insisting that the needs of the victims of past and present violations be prioritized.
- c. For the general public, we are open for dialogue and engagement on the way forward for our country to ensure that we together build a peaceful, just, accountable and democratic society.
- d. For the future and the past, we will adopt an inclusive approach to human rights violations and their redress. No victim from any period in Zimbabwe's

history is more important than another, and only a non-partisan approach to the past will free us of the terrible legacies of violence.

7.0 Conclusion

In view of the above, the NTJWG will co-operate with the NPRC and all other actors to assist in the realization of post-conflict justice, healing and reconciliation. The NTJWG will be delighted to welcome all of you to interact and exchange ideas in pursuit of the stated vision. Please feel free to contact the Chairperson through the details below.

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Appendix 1

Members of the NTJWG

The following are the members of the NTJWG elected by stakeholders on 23 May 2014.

Mr. Alec Muchadehama - Reparations / Chairperson

Mr. Alec Muchadehama is a Legal Practitioner and one of the founding Partners for Mbidzo, Muchadehama and Makoni Legal Practitioners. He is professionally associated with the following organisations: Member of the Law Society of Zimbabwe – 1991 to date, Member – Zimbabwe Lawyers for Human Rights, Board Member Belvedere Teachers' Technical College, Chairperson – Voluntary Media Council of Zimbabwe (VMCZ), Board Member – Zimbabwe Doctors for Human Rights, Trustee – Zimbabwe Labour Lawyers Trust. He obtained his Bachelor of Laws (Hons) and LLB Law Degrees from the University of Zimbabwe in 1989 and 1990 respectively and an MBA in 2001. He has worked for the Ministry of Justice as a Public Prosecutor. In 1997, he joined a Harare law firm, Chihambakwe, Mutizwa and Partners. In 2001 he left to form the current law firm. Mr. Muchadehama has received many awards for his outstanding commitment to the protection and promotion of human rights. He is the current Chairperson of the National Transitional Justice Working Group until 31 July 2015.

Prof. Pamela Machakanje – Independent Expert / Deputy Chairperson

Prof. Pamela Machakanja is currently an Associate Professor of Peace and Conflict Studies and Director in the Institute of Peace, Leadership and Governance at Africa University, Mutare, Zimbabwe. She holds a PhD in Peace and Conflict Studies, a Master of Arts degree in Peace and Conflict Resolution, a Diploma in Research Methods in Social Sciences, and a Diploma in Leadership and Policy Development all from the University of Bradford in the United Kingdom. She also holds a Masters degree in Educational Psychology and a Bachelor of Education degree from the University of Zimbabwe. In addition, she holds a Diploma and Advanced Diploma in Negotiation Skills from the International Negotiation Academy in South Africa. Before joining Africa University in 1997, Pamela was a lecturer at the University of Zimbabwe, Faculty of Education, Department of Educational Foundations and Teacher Education respectively. Pamela's areas of research interest include peace and conflict analysis, memory work in post-conflict transitional societies, transitional justice, leadership development, peace education, conflict analysis and peacebuilding, and gender-based violence with a focus on women and children in war situations. Throughout the years Pamela has developed skills in curriculum development and grant writing proposals for innovative projects in her area of expertise. As Director of the Institute, Pamela

develops and manages the implementation of diverse externally funded projects in the integrated areas of peace, conflict transformation, gender, peacebuilding, transitional justice, leadership development and governance. She has published a number of book chapters, monographs and articles in well regarded international journals. She sits on a number of internationally recognised boards including Africa University Board of Directors, the Academic Council of the United Nations Affiliated University for Peace in Costa Rica and the Scientific Committee of the United Nations-mandated University for Peace (UPEACE) Africa Programme in Addis Ababa.

Rev. Dr. Fradereck Chiromba - Promotion of Truth

Fr. Dr. Fradereck Chiromba is the Secretary General of the Zimbabwe Catholic Bishops Conference (ZCBC) since 2004 and the former Executive Secretary of the Zimbabwe Heads of Christian Denominations (ZHOCD) until the beginning of 2014. ZHOCD brings together the Heads of the Zimbabwe Council of Churches, The Evangelical Fellowship of Zimbabwe and the Zimbabwe Catholic Bishops' Conference. His current office is responsible for coordinating the various interventions of the Church in humanitarian work through Caritas; lobbying, Advocacy and Governance through the Catholic Commission for Justice and Peace; Education and Health through the Social Services Cluster; and finally the pastoral work of the Church in Zimbabwe. He was part of the team that initiated the process of crafting a National Vision for Zimbabwe that produced the discussion document titled *The Zimbabwe We Want*. The document, produced in 2006 changed the national discourse in Zimbabwe from one of polarization and confrontation to one of engagement, dialogue and transformation. He was the Co-Chairperson of the Church and Civil Society Forum in Zimbabwe until 2014.

Ms. Roselyn Hanzi - Justice and Accountability

Ms. Roselyn Hanzi is a lawyer registered to practice law in Zimbabwe, employed by Zimbabwe Lawyers for Human Rights since 2007 and is presently working as Project Manager. She has managed the Human Rights Defenders and Institutional Reform and Policy Formulation portfolios. She holds a Bachelor of Laws Degree Honors from the University of Zimbabwe and Master of Laws (Human Rights and Democratisation in Africa), from the Center for Human Rights at the University of Pretoria and post graduate qualifications - Diploma in Transitional Justice from International Center for Transitional Justice and a certificate in Legislative Drafting from the Institute of Advanced Legal Studies at the University of London. She has researched and written on the situation of HRDs in Zimbabwe, elections, and human rights law broadly, institutional reform topics on judiciary, and other key rule of law institutions involved

in justice delivery as well as general human rights issues. She has also coordinated the representation and at times participated in representation of human rights defenders at courts as well as other public interest litigation court cases.

Dr. Rev. Ray G. Motsi - Thematic Area: Memorialisation

Dr. Rev. Motsi is the Executive Director of Grace to Heal, and one of the founders and current Chairperson of Christian Alliance, Chairperson of Our Neighbours Ministry (ONM), Member of the trustees for the Bulawayo Project Centre, Chairperson of the Association of Evangelicals in Africa (AEA) Peace and Justice and Chairperson of EPART. He obtained his PhD in Conflict Transformation from Pretoria University, South Africa. He has worked with a number of organisations on peacebuilding and conflict transformation in Africa including teaching at Mindolo Ecumenical and pan-African Studies in Kitwe, Zambia, Peacebuilding in South Sudan among tribal groups and United Nations Summer School in New York. He has assisted organisations working on trauma healing in Rwanda and Burundi. From 1990 to 2010, he served as the Senior Pastor at Baptist Church in Bulawayo and from 2009 – 2011 as the President of the Baptist Union of Zimbabwe.

Memory Kachambwa - Gender

Ms. Memory Kachambwa is a development professional and women's rights advocate, with 12 years experience in establishing new initiatives, cross regional leadership, training and consultancy. She is the current Executive Director of the Women's Trust. She is a Gender specialist by training with expertise in the areas of Program and Administrative Management, Gender Based Violence, Gender Mainstreaming, Gender Auditing, Gender Assessment, Women's Economic Empowerment, Governance, Policy Analysis, Peace, conflict management and transformation, Advocacy, Humanitarian, Water Resource Management, Monitoring, Evaluation and Results based Management. She has 8 years work experience in the United Nations System, working for UNFPA, UNIFEM and UN Women. She co-facilitated the gender and mediation training of JOMIC leaders of the youth, women and provincial secretaries from the 3 GNU political parties, Coordinated the project on monitoring the GNU Global Political Peace Agreement implemented by the Women's Coalition. She is a trainer and facilitator of UNSCR 1325 and associate resolutions. She also coordinated the Violence Against Women pillar under the Gender Support Programme and was instrumental in lobbying for the Domestic Violence Act as an administrator of the Gender Forum in Zimbabwe. Memory is a fellow of the Fast Forwarding to the Future East and Southern Africa Leadership Programme patroned by Graca Marchel. She is also co-founder and convener of the African Young Women Leadership Caucus which promotes young women's participation in the Pan African dialogue and debate. In 2013 she participated

in the East and Southern Africa Transitional Justice boot camp. She is passionate about gender justice.

Mr. Anthony Reeler - Independent Expert / Institutional Reform

Mr. Anthony (Tony) Reeler is a Senior Researcher (formerly the Director) at the Research and Advocacy Unit [RAU], an independent institution specializing in human rights, transitional justice, and governance. Since its being set up in 2006, RAU has produced over 150 reports, opinion pieces, and articles on aspects of the crisis in Zimbabwe. Educated at St George's College in Harare, Tony Reeler attended the then University College of Rhodesia, reading for an LLB, and subsequently attended the University of Exeter, reading for a BA in Psychology, and the University of Leeds, reading for an MSc in Clinical Psychology. A former academic at the Universities of Malawi [1978-1980] and Zimbabwe [1982-1992], he was founding director of the Amani Trust [1993], a post he held until 2002. Following resignation from the Trust, he worked for Idasa until the establishment of RAU in 2006. Since 2000, has been an active member of civil society. He was the founding chair of the Zimbabwe Human Rights NGO Forum in 1998, a member of the founding committee of the Crisis in Zimbabwe Coalition in 2001, and previously a committee member of the Zimbabwe Election Support Network [ZESN]. Was an active member of the Core Partners of USAID from 1999 to 2003. Was an active contributor in the setting up of the Tree of Life Trust, and a current Trustee. Has been a member of several international missions on the Zimbabwe crisis. In 2000, led a mission to Europe and the UK to publicize the plight of torture victims, and, in 2001, was part of a civil society delegation to the EU, the UK, and the US to push for the imposition of targeted sanctions against the Mugabe regime. Was a member of the civil society grouping in 2003 to determine the parameters for a transitional process in Zimbabwe. Was a member of the Council of the International Rehabilitation Council for Torture Victims [IRCT] from 1993 to 2003, and a member of the Executive Committee of the IRCT from 2000 to 2003. Has published widely in the fields of mental health, trauma, human rights, and governance. Currently works on issues of governance and elections, providing research reports, analyses, and opinion pieces.

Mr. Otto Saki - Independent Expert

Mr. Otto Saki is a human rights lawyer, with a keen interest in governance issues, regional economic communities, civil society and supra national human rights mechanisms. Otto holds a Bachelor of Laws Honours Degree (LLBS) from the

University of Zimbabwe (03) and Masters in Law (LLM) from Columbia Law School (08) obtained under a human rights fellowships program. Otto joined Zimbabwe Lawyers for Human Rights (ZLHR) in August 2003 and worked until 2009 before joining USAID Zimbabwe as the deputy office director and senior advisor for the Democracy, Rights and Governance Office until 2013. Otto has litigated before the African Commission on Human and Peoples' Rights, contributed to two publications on human rights, transition in Zimbabwe, conducts and facilitates training for lawyers in Zimbabwe and the region, including Swaziland, Sudan and South Sudan. Otto is also a board member of the Centre for Applied Legal Research (CALR) the premier law research institution founded by legal scholars and academics.