

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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