

## **Victim-centred Restorative and Reparative Transitional Justice Models: The Case of the Buhera Community, Zimbabwe 2009-2024**

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## Abstract

The continuum of violence has been immensely evident in the Zimbabwean realm pre- and post-independence; these sporadic episodes have continued unabated, with no hope of the victims attaining transitional justice or victim-centred help. The recurrence, attributed to the waning political support of the ruling Zimbabwe African National Union Patriotic Front (ZANU PF) since independence, which has brought about political and electoral violence. Transitional justice has been immensely stalled due to the underlying political ramifications on the state and the perpetrator's accountability. The violence was catalysed by failed politics and governance; hence, the need for regime survival prompted the language of violence. The research utilised the restorative justice theoretical framework to highlight community justice initiatives and the need for obligations and engagements. The study adopted a qualitative research design, utilising 20 research respondents and desktop research. The study's results found, no victim compensation or healing due to the fear of political ramifications that has prompted local communities to resort to community-centred rehabilitation and healing methods founded on cultural and societal morals such as kuripira ngozi (appeasement), chokwadi (truth telling) and kupfira mate (acknowledgement of guilt).

**Keywords:** *Victim-centred, Restorative, Reparative, Transitional, Justice*

## Introduction

The history of Zimbabwe has been marred by several episodes of violence in pre- and post-independence Zimbabwe. The violence has been politically or electorally inclined. Repressive state-sanctioned machinations have been witnessed, which confirm the presence of institutionalised violence without any form of justice for the victims (Sachikonye, 2011). As a result, political elites become the instigators of violence in Zimbabwe, all in the name of clinching and retaining power by any means necessary. Post-independent Zimbabwe has witnessed power politicking to clinch power. The calls for reconciliation and justice were made in 1980 by then-Prime Minister Robert Mugabe. Mwonzora and Helliket (2022) posit that Prime Minister Mugabe implemented a blanket reconciliation policy intended to serve as the cornerstone for lasting peace. However, episodic instances of violence include the Gukurahundi disturbances (1983-1984), the 1990 political violence associated with the Zimbabwe Unity Movement, the 2000 land invasions, and political violence from 2000 to 2020.

There have been intense efforts to establish post-conflict reconciliation in Zimbabwe since its independence. Ncube (2024), through commissions of enquiry such as the Dumbutshena and Chihambakwe Commissions, highlights these initiatives. Zimbabwe has experienced tumultuous and contested elections that have challenged the ruling party ZANU-PF's political stability and hegemony. In turn, it could be said that ZANU-PF promoted the use of violence. Mashingaidze (2010) asserts that the quest for reconciliation and transitional justice in Zimbabwe led to the establishment of the National Healing and Reintegration Commission, a precursor to the National Peace and Reconciliation Commission. It is of utmost importance to note that the Zimbabwean government opted for the NRC rather than a Truth and Reconciliation Commission due to political considerations and was not entirely open to reopening the past, but rather to forge ahead through a broader perspective of promoting unity, healing, and conflict prevention.

The motive and modus operandi of the organisations have been questioned on their effectiveness, and local communities in Buhera District have initiated restorative and reparative culturally-based transitional justice models. Communities in and around the country have sought reconciliation and healing, but accountability by the perpetrators has never been acknowledged. Makambanga (2022) posits that silence on the episodes of violence has been the only tentative solution, as most senior politicians have been complicit and fear the political ramifications that arise from taking accountability. Makonye (2021) alluded that Buhera witnessed severe acts of violence in various elections since 2000, as it was the home district of Morgan Tsvangirai was the leader of the main opposition party, the Movement for Democratic Change, from 2000 to 2018. Violence was perpetrated largely on members of the opposition Movement for Democratic Change (MDC) in Buhera because they were deemed ZANU-PF strongholds (Chimedza, 2022). Reparative measures have been undertaken to reweave the societal fabric in the Buhera communities and to eradicate the cogent political violence on the development and peacebuilding as it is actor-centred (Hove, 2013).

## **Methodology**

The research adopted a qualitative research design to explore 'Victim-Centred Restorative and Reparative Transitional Justice Models in the Buhera District, Zimbabwe, Between 2009 and 2024'. The qualitative approach was selected because it allows for an in-depth understanding of

the experiences, perspectives, and meanings attributed to transitional justice processes by individuals and communities directly affected by past violence. Data collection was done through in-depth face-to-face and telephone interviews, and analysed using thematic data analysis. The population sample for this study consisted of individuals who were victims of violence or were affected by violence from 2008 to 2024. This includes, but is not limited to, survivors of political violence, human rights violations, and displacement. It also involves community leaders, traditional healers, and representatives from local organisations involved in peacebuilding and reconciliation efforts. By including these diverse groups in the population sample, the research captured a more comprehensive and nuanced understanding of hybrid victim-centred transitional justice in the community under study. This contributes to the development of effective and sustainable peacebuilding strategies (Paffenholz and Spurk, 2010; Gready and Robins, 2014; Berghof Foundation, 2023).

The Sampling for initial participants was purposive, followed by snowball sampling to reach individuals who may not be formally registered or easily accessible. Purposive sampling was employed to select participants who provided rich and diverse data relevant to the research question. The adopted sample of 20 participants was determined and reached through data saturation. However, of the 20 participants, 15 participated in in-depth face-to-face interviews that were carried out in convenient locations. The remaining 5 were interviewed through the telephone because they were difficult to reach due to geographical constraints. The Thematic Analysis Approach was used to analyse the data collected from the interviews. The process embraced transcribing all audio recordings verbatim, re-reading the transcripts for comprehension, coding by identifying recurring themes, patterns, and concepts related to the research questions, theme development, interpretation and reporting.

Ethical considerations measures were taken to ensure the protection of participants was ensured through strict confidentiality aimed to safeguard identities and prevent harm, stigma, or retaliation. All data was anonymised and securely stored as per protection requirements, and safeguards sensitive information from unauthorised access or misuse. Participation was entirely voluntary, without any pressure or influence from the researchers. The principle of avoiding harm was upheld by minimising emotional distress and allowing participants to withdraw at any stage of the study.

### ***The Rationale of Reparative and Restorative Justice***

Post-conflict justice delivery cases have increased in contemporary times, with several measures being carried out in the hope of preserving peace and eradicating recurrences. The reparative justice model seeks to reconcile victims and perpetrators who would have violated an individual's human rights, whether dead or alive. Communities in and around Zimbabwe have tended to resort to reconciliation through the use of traditional reparative justice models, Mutanda (2022). Most Zimbabwean communities have been utilising restorative justice to resolve their differences and shortcomings. It is of paramount importance to highlight that several studies have been conducted on restorative justice in community peacebuilding, but Buhera District stood out for using a hybrid restorative justice model. The most notable processes undertaken include *Kuripira Ngozi* (*appeasement of revenging spirits*) and *Chenura* (*cleansing ceremony*) have been the most common in Buhera.

The reparative justice model by Zehr and Mika (1998) is immensely victim-centred. The major impetus of reparative justice is twofold: to acknowledge accountability for the crimes committed and also to provide for the payment of damages by perpetrators to the victims. In Zimbabwe, the traditional court systems, comprising, namely, the family courts (dare remusha), *village courts led by the headman*, and *Dare raMombo* (Chief's court), play a rudimentary justice role in communities backed by the Constitution and the traditional leaders Act Chapter 29.14. Murambadzoro (2016) posits that reparative justice systems are victim-centred and engaging as both the victim and the perpetrator seek to redress and restore relations through a token (Chipo) of acknowledgement, seeking redress. (Murambadzoro, 2016). Benyera (2014) asserts that the payment of reparations can either be monetary or symbolic, and these fundamental differences vary depending on the gravity of the case in question; such cases include murder, torture, and infidelity, among many others. However, much is based on the demands of the victim in question. Cultural accountability for committing the offence is the first category, which is later followed by the demands by the victim deemed necessary for appeasing and healing the victim.

Restorative justice is another form of justice that is stakeholder-driven, with the major aim of restoring relations between the perpetrators and the victim. According to Fischer (2011), the restorative justice model is community-driven. It engages the conflicted parties without primarily focusing on the perpetrators of the acts since healing

and closure have to be sought for the best interest of the victim and the community as a whole. Ramirez (2015) asserts that restorative justice contributes immensely to the conceptual understanding of the past episode of conflict as viewed by the victims, survivors and perpetrators, through the truth, accountability, reconciliation and reparations approach. Benyera (2014) concurs with Ramirez and posits that the restorative model is a diverse and unique justice model that is both inclusive and participatory. The culturally inclined restorative justice models like *Chokwadi* (truth), *Nyaradzo* (Memorial service), *Magadziro* (ceremony for calling back the spirit of the dead) and *Nhimbe* (Community working group) seek to attain justice and reconciliation. These forms of restorative justice have been used in cases of political victimisation, murder and many other cases in which the victims or their relatives seek closure through truth, accountability and reparation. It is important to note that in Buhera District, civil society organisations underscored their allegiance to the restorative justice process, notably Heal Zimbabwe Trust, in the aftermath of the 2008 elections. The organisation's reliance on the traditional models was compelled by the inaction of the state to undertake transitional justice initiatives due to political dynamics. The success of the hybrid restorative justice model has been compelling in the case of politically and election-motivated violence.

### ***Community Driven Justice Initiatives and Cultural Practices***

Transitional justice has long been called for in Zimbabwe, as it has witnessed several sporadic episodes of violence, which have remained unresolved and have led to the establishment of a culture of impunity. Several of these episodes have been catalysed by the highly polarised political landscape that has destroyed the social integration fabric for political gain. This has been the major impediment to the implementation of transitional justice. Failure to implement due to the fear of retributive justice, the apprehension of perpetrators and instigators has reinvigorated local communities in Buhera District to embrace local peacebuilding and justice initiatives in the healing and reconciliation of communities. The 2008 electoral epoch saw the unleashing of a reign of terror in local communities in the district. Members of the security forces were deployed to safeguard and instil fear in the electorate after ZANU-PF had lost the first round of the harmonised election. Intimidation and violence became the regime's survival tool to keep former president Mugabe in power. The legality of

the deployment of the security forces was challenged in court by Eric Matinenga in 2008, to which he argued the deployment of key military officials in an electoral period and referenced instances of violence perpetrated by deployed officials. It is important to highlight that most victimisation, abuse, torture and theft were done all masquerading in politics during the build-up to the June 27 presidential rerun elections.

Several acts of crimes against humanity, namely torture and murder, were encountered. These were necessitated by local politicians and party-affiliated youths in numerous Wards around the District. One interviewee alluded to that.

Politics has stopped being pro-developmental and has been altered into an ideological doctrine of clinging to power by force, whilst overriding the views of the voters. Politics has been used to destroy family fabric, relatives have been used to torture each other mercilessly, all in the name of working for the party; no form of justice can ever be served by the legal order, as political violence is an institutionalised political tool for creating repression.

The pursuit of culturally inclined transitional justice methods has been propelled by the need to restore and seek closure for the victims in a patient manner by having an inclusive and participatory intervention, which helps in pursuing collective civic action and goals (Skaar, 2013). Traditional justice systems nurture reconciliation and closure for the victims through their direct engagement with the parties, and these are the best form of community rapprochement mechanism. In the Buhera case, most of these mechanisms waited for the easing of political tension, whilst others took place amid the violent epoch. Non-state actors such as HEAL Zimbabwe Trust helped establish local channels that encouraged reconciliation and unity. In the quest, traditional leadership played a rudimentary role in facilitating truth, accountability, reconciliation, and reparations at various traditional court levels since the victims had no trust in the security forces and the courts to serve justice in politically inclined violence cases.

### ***Reparative and Restorative Cultural Practices***

#### ***Kuripa Ngozi (Appeasement of avenging spirits)***

The 2008 electoral epoch witnessed several atrocities to which some people, unfortunately, lost their livestock, lives, and the politics of retribution and revenge were in full swing (Rwodzi, 2024; Murambadzoro

and Waliaanga, 2015). Many of the dead succumbed to injuries inflicted from torture at the *pungwe* (*all-night vigil*) bases, as they would be flogged with canes and tree branches by ZANU PF youths for having a divergent view from those of the ruling party; they were termed *Machinja* or *Madhicharo*<sup>2</sup>. The bases were torture camps created in every ward, and the people at the bases were fed with livestock meat forcibly taken from members of the opposition MDC. *Kuripa Ngozi* has been used when accountability is acknowledged by the perpetrators. Benyera (2014) asserts that the *Kuripa ngozi* ritual mirrors restorative justice's focus on perpetrator accountability and symbolic reparations. The family of the deceased would take the body of their relative to perform rituals at the scene of their demise, to perform rituals known as *chenuro* (*Traditional cleansing*), which is interconnected with *kuripira ngozi*. *Chenuro* is the process of removing the bad aura of unwarranted killings in the area, and these ceremonies have been undertaken to cleanse the community. The aggrieved families could not seek justice from the courts, as such cases were swept under the rug because of the politicised security forces (Howard-Hassmann:2010).

Ward 16 Buhera encountered the reparative *Kuripira ngozi* form of transitional justice when a family took the corpse of its relative and dumped it at the perpetrators' house and demanded that reparations be undertaken, as he had succumbed to injuries from the torture. Idang (2015) avers that in African culture, people cannot bury those with whom they do not share the same totem and relations, as this will have corollaries in the future. It is known most African cultures that *Ngozi*, the avenging spirit's curse, pursues the perpetrators to seek reprimand and justice for the wrongs committed. The avenging spirit can also be initiated by the relatives through several rituals for the spirit of the murdered person to torment the family of the perpetrators. It is of paramount importance to highlight that traditional courts and traditional healers are used to seek redress for the avenging spirit (*ngozi*) through the fulfilment of demands made through livestock on most occasions (Gudhlanga and Museruka, 2024).

Chivasa (2019) pontificates that the vengeance of *Ngozi*<sup>3</sup> is to seek reconciliation and spiritual appeasement. These ceremonies have served justice for many of the Buhera families. Koroe (2024) asserts that the tricospomology perspective, since the spirit does not die but assumes ancestral roles. As a result, the pursuit of retributive justice has been compromised due to its politicisation. Fearful of the vengeful spirit's potential backlash, the community has pursued justice for the murdered

in a way that prioritises healing and reconciliation, leading perpetrators to admit their crimes and seek resolution.

## **Methodology**

This section focuses on the methodology employed. The research purposively selected males and females in the Abraka metropolis of Delta State of Nigeria. The choice of Abraka is based on the fact that, apart from being a university environment, the majority of the youth in the study area are unemployed and actively seeking opportunities. A total of fifty (50) copies of questionnaires were shared with residents in Campus 3 Area (Ivie Road), Police Station Road, Ekerejeta, Okpogoro Street, Umono Street, Etaghene Street, and Lucas Street. The selected areas were known to be densely populated. Another major feature of these streets is that most students and graduates stay in these areas due to their perceived safety and low violent crime rate.

The respondents' awareness of internet fraud and human trafficking was measured based on respondents' knowledge and perceptions of reported cases of internet fraud and human trafficking, rather than their personal experiences. The questionnaire captures the respondents' general awareness through media exposure (news and social media), community discussions, and education, rather than direct involvement/victimisation. The essence of using this approach is to assess how informed the respondents are about the connection between internet fraud and human trafficking. Prior to distributing the questionnaire, the questionnaire was presented to two (2) professors of sociology at Delta State University, Abraka, to vet the questionnaire. It is on the basis of their comments that the questionnaire was corrected and then sent to the respondents.

Frequencies and simple percentages were used in analysing the questionnaire, and a multivariate analysis was used to test the research hypothesis using Statistical Package for Social Sciences version 23.0. The statistical package was chosen due to user-friendliness and global acceptability for running primary data regression analysis.

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<sup>2</sup> *Machinجا/ Madhicharu* are derogatory names used during the 2008 election to refer to opposition affiliates, and also used in song to underscore the affiliation of the opposition as treason.

<sup>3</sup> Avenging Spirit of the dead.

### ***Chokwadi (Truth)***

The process of pleasing the avenging spirit would also necessitate truth-telling (*chokwadi*) on what transpired and how fate came to be. Such details tended to help in dealing with healing psychologically induced trauma in the family of the victims. Truth-telling helps in bringing closure to the victims and survivors on the healing part (Murambadzoro, 2016). Civil society organisations such as Heal Zimbabwe have embraced the traditional peacebuilding resources such as *nhimbe*<sup>2</sup> to create a platform for seeking recourse and amends through sharing a detailed narrative. The organisation undertook a rudimentary role of uniting communities through traditional practices that traditional leaders alone could not initiate, as their roles have been highly politicised (Chimange, 2015). The social gathering, which included community elders, established a dialogue forum where apologies and truth-telling sessions were conducted.

The traditionally inclined models of transitional justice brought closure, healing and reconciliation to the victims of violence and perpetrators, even though the legal order was compromised to deliver justice for the victims due to political affiliation. Benyera (2014a) concurs with the notion of the implementation of reparative and restorative transitional justice measures, as it helps the healing process and psychosocial support for the victims, in turn retaining social harmony. The Shona traditional transitional justice practices have been immensely successful at making amends for the victims and survivors through offering *kutaurirana* (dialogue), *kuvirirana* (rapprochement), *chokwadi* (truth), and *kuchinja moyo* (change of perception) have woven the societal fabric through reconciliation.

Traditional forms of transitional justice have closed the void of impunity that has been established by the legal order based on the political affiliation of the perpetrators, even though retributive justice had been underscored, the victims would still have a void of little closure and affect their trauma healing (Matshaka and Murambadzoro, 2024). It is important to highlight that after the implementation of restorative justice initiatives, there has been a significant decrease in electoral and politically motivated violence in the Buhera District.

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<sup>1</sup> Nhimbe is a traditional community working group, either planting, tilling or harvesting crops. This established a forum replicating the truth commission.

Reparative and restorative traditional transitional justice models have undertaken a pivotal role in traditional peacebuilding and peacemaking (Tripolone & Pearson, 2010). Community-based transitional justice mechanisms play a formidable role in reconciliation, whilst also inflicting punishment on the perpetrator. Huyse (2008) concurs with Tripolone, alluding that the integral part of restorative justice is accountability, acknowledgement, restoration and restitution.

## **Conclusion**

The efficacy of the traditional transitional justice mechanism has been highly effective in delivering justice for the victims and survivors of violence, as they have managed to interact and probe, seeking closure as to what occurred and why. The traditional reparative and restorative transitional justice mechanisms have helped close the legally politicised void through engagement and participatory community-based approaches that are punitive and reconciliatory. Also, the traditional transitional justice models of reconciliation and the reparative model have been instrumental to the victims through psychosocial support derived from the processes, and also compassionate reparations to reconcile the victim and the perpetrator. Much of the success of these models has been underscored by being victim-oriented. The hybrid transitional justice model is the most effective model of resolving victim agency. Had the State managed to collaborate with non-state actors, it would have utilised the truth, accountability, reparation and reconciliation to bridge the state-community injustice gap. The study recommends that the State should scale up hybrid transitional justice models in various communities to address victim agency.

## **Recommendations**

There is a need for the establishment of a hybrid transitional justice model at the national level to work on weaving the social fabric that has been weakened by political and election-motivated violence. The state-led peace commissions should play a rudimentary role of uniting the country and ensuring that electoral and politically motivated violence is eradicated, and that all institutions should be apolitical in conducting their duties as enshrined in the Constitution of Zimbabwe.

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