

Exploring Zimbabwe's Traditional Transitional Justice Mechanisms

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ABSTRACT Before the institutionalisation of Rwanda's *gacaca* courts, transitional justice was predominantly viewed as a western concept which was more legal and punitive. This paper positions traditional transitional justice mechanisms currently at work in Zimbabwe as viable concomitants in the field of justice, healing and reconciliation. Through a case study of Gokwe District in the Midlands Province of Zimbabwe the study discusses the various grassroots mechanisms used in Zimbabwe to achieve restorative and dignified healing and reconciliation to both the victim and the offender. The paper concluded that for transitional justice to achieve healing, closure, and reconciliation; it requires bottom-up and victim centred mechanisms; familiar to both the victim and the offender.

INTRODUCTION

This paper demonstrates the viability of what it terms realist traditional transitional justice mechanisms used in Zimbabwe's rural areas¹. This analysis resonates with theoretical calls for Africa to reinvent its traditions to solve its transitional justice challenges made by, among others, Ranger (1985: 287-321) and Bangura (2005: 11). African tradition is founded on African philosophy and Bangura believes that in order for the philosophy of African solutions for African problems to work, African scholars need to revisit African history, especially oral history, to identify and implement best practices. These solutions are underpinned by African philosophical values such as *hunhu/ubuntu* and ought to be incorporated into global human rights instruments such as the International Criminal Court (ICC) Statute and other similar human rights declarations (Samkange and Samkange 1979).

This paper presents a set of traditional institutions used in Zimbabwe to achieve healing, truth telling and closure. These modes of everyday healing and reconciliation include the traditional institutions of *ngozi* (avenging spirit)², *botso* (self-shaming)³, *chenura* (cleansing ceremonies)⁴, *nhimbe* (community working groups)⁵ and *nyaradzo* (memorials)⁶. These institutions are underpinned by the African philosophy of *hunhu/ubuntu*. Characterising the role of *hunhu/ubuntu* in transitional justice, Biko (2002 46-47) noted that *hunhu/ubuntu* is the human face to transitional justice which Africa offers to the world. The paper consolidates the above Shona

customary institutions into what it terms realist transitional justice mechanisms which by definition are set of bottom-up, non-legal, victim-centred broad-based, continuous redress mechanisms that heal and reconcile communities fragmented by gross violations of human rights. These are anchored in the African philosophy which crystallizes humanity around communal solidarity and their opposite is idealist transitional justice mechanisms such as prosecutions. By definition *hunhu/ubuntu* encapsulates that the self is defined by its relationships with other beings, happiness and fulfilment are found in relations between individuals (Nabudere 2011: 10; Ndlovu-Gatsheni 2007b: 26).

There is dearth of literature that addresses the use of traditional institutions as transitional justice mechanisms in Zimbabwe. The closest was Tirivangani (2011), who looked at the institution of *ngozi* from a metaphysical perspective. He consolidated the definition and categorisation of *ngozi* and shed light on the various forms of *ngozi*, which until then were either confused at the very least, or often collapsed into one. However, his work did not venture into the efficacy of the institution of *ngozi* and other related traditional institutions used for truth seeking, healing and community based peace building.

SITUATING REALIST TRANSITIONAL JUSTICE MECHANISMS IN HUNHU/UBUNTU

Realist transitional justice mechanisms are premised on *hunhu/ubuntu* which, according to

Samkange and Samkange (1979), is an ideology of reciprocity, a tradition of giving as well as taking and of limiting the powers of authority and a respect for human rights. For Ndlovu-Gatsheni, the strength of *hunhu/ubuntu* as a philosophical base for African realist transitional justice mechanisms is its ability to permeate the broad spectrum of African civilisations. According to Bangura (2005: 13-53), the efficacy of *hunhu/ubuntu* as the base theory for realist transitional justice can be located in its ability to transcend pedagogy, andragogy, ergonagy and heutalogy.

There are certain characteristics that underpin *hunhu/ubuntu* which are relevant to the conceptualisation of realist transitional justice. These are reciprocity, limitation of power, respect for human rights, acknowledgement of wrongdoing, communal solidarity, unity, humanity despite differences, and the inextricability of humanity. These ideals are already inherent in most rural societies and recalling them when implementing transitional justice programs is accomplishable. Traditional transitional justice mechanisms pursue these values in a manner that seeks to balance restorative and retributive justice (du Plessis and Ford 2008: 3). Retributive justice goes beyond punishing the offender and leans towards vindicating the victim (Morse and Maxwell 2001: 3). Restorative justice emphasises bottom-up processes found in ordinary citizens' experiences and is concerned with taking steps that the victims feel will set things right. This is in contrast to idealist transitional justice mechanisms which involve the elite who present themselves in various forms, such as peacemakers, truth commissioners, prosecutors, and attorneys (Braithwaite 2000).

In Africa in general and Zimbabwe in particular, traditional transitional justice mechanisms gained popularity and acceptance after the South African Truth and Reconciliation Commission (TRC). This may be attributed, *inter alia*, to the United Nation's position on traditional transitional justice articulated by the then Secretary General Kofi Annan who, in his August 2004 *Report on rule of law and transitional justice in conflict and post conflict societies* noted that:

...due regard must be given to indigenous and informal traditions for administering justice or settling disputes, to help them to continue their often vital role and to do so in conformity with both international and local tradi-

tion (United Nations Report of the Secretary General 2004).

Customary institutions such as *dare/idade* (traditional courts), preside over both civil and criminal cases, including transitional justice cases. Customary law which is the primary custodian of traditional transitional justice mechanisms hands down rulings through chiefs and headmen which are binding on both victims and offenders thus validating these mechanisms as live concomitants of grassroots transitional justice.

EXPLORING ZIMBABWE'S TRADITIONAL TRANSITIONAL JUSTICE MECHANISMS

Transitional justice refers to a wide range of mechanism and institutions used in response to gross violations of human rights. Such mechanisms could be a set of judicial or non-judicial measures implemented by post conflict communities to redress historical legacies of massive human rights abuses (Hayner 2003; Shea 2000). At a different level, it is concerned with the choices, mechanisms, and the quality of justice implemented by states emerging from episodes of gross human rights abuses such as, civil wars and totalitarian rule, to respond to past oppression and injustice while constructing a new future based on democracy and the rule of law. The most common transitional justice choices are amnesties and pardons, criminal sanctions such as prosecution before domestic or international tribunals, non-criminal sanctions like vetting and lustration, commissions of inquiry and truth and reconciliation commissions. However, these mechanisms have been of late expanded to cover customary institutions that are being used as transitional justice mechanisms mainly to seek reconciliation and peace building. These mechanisms form the crux of this paper.

The Case Study

In an interview in Gokwe District in the Midlands Province on 22 September 2012, Chief Njerere shed some light on the link between African tradition and transitional justice mechanisms. Gokwe District was chosen as a case study because it has vast populations of Shona and Ndebele speakers, Zimbabwe's two biggest ethnic groups. It is also the site of some of the most

horrifying episodes of human rights abuses, including the 1982-83 Gukurahundi⁷ genocide.

During the interview, Chief Njerere highlighted that Zimbabweans value their 'living dead'. They are 'living dead' because about a year after the death of an adult, certain rites and rituals, referred to as *kurovaguva*, *magadziro/umbuyiso*, are performed by the right people, at the right time and using the correct cultural procedures. These rituals are believed to allow the return of the dead person's spirit to the family so that s/he can assume the ancestral responsibilities of protecting and blessing the family. If s/he dies unnaturally, there is a belief that s/he will not be able to assume these ancestral responsibilities. The family and the community are aggrieved because they would have been deprived of the protection and blessings of one of their ancestors. The dead person is believed to be equally angry because they would have been deprived of an opportunity of contributing to the prosperity and security of the family. It is against this background that traditional transitional justice mechanisms have gained popularity. In this regard, those who died as a result of politically motivated violence in Zimbabwe deserve to 'return home' so that they can protect their families and communities from circumstances similar to those which led to their own demise. However, if a deceased person is to 'return' with ancestral responsibilities, certain rites and rituals must be performed. These traditional institutions have found application and relevance in transitional justice and will be discussed in the next section.

TRADITIONAL RITUALS PERFORMED AS TRANSITIONAL JUSTICE

A combination of traditional transitional justice mechanisms, have long been used in Zimbabwe. In a key informant interview in Harare on 29 September 2011, Professor of African Languages and Literature at the University of Zimbabwe, George Kahari, revealed that traditional rituals that predate colonialism were adapted to fill the void created by the twin catastrophe of the lack of an official transitional justice programme in Zimbabwe and the blatantly biased manner in which the judiciary operated. It must be noted that mass violence by civilians on civilians is a relatively new phenomenon in Zimbabwe. Prior to the land reform related human rights violations; violence in Zimbabwe was pre-

dominantly perpetrated by soldiers on soldiers or by soldiers/police on civilians, something which the state justified as systemic violence necessary for the attainment of greater emancipation (emancipatory violence). The same is official argument in favour of the 1982-83 Matebeleland genocide perpetrated by a division of the Zimbabwe National Army; the North Korean trained 5th Brigade on predominantly Ndebele-speaking civilians.

This new form of mass violence, perpetrated by civilians on civilians, resulted in the use of traditional transitional justice mechanisms in order to fight injustice perpetrated, not only by state agents, but by known civilians, from within communities. To accomplish both justice and reconciliation, the following rituals were noted as commonly practised in Zimbabwe's rural areas: *nyaradzo* (memorial service), *ngozi* (avenging spirit), *kurova guva* also known in some parts of Zimbabwe as *magadziroor umbuyiso* (bringing back the spirit of the deceased) and *botso* (self-shaming). However, in order for these rituals to take place other ceremonies are used to bring the victims and the perpetrators together in the presence of the community, for the first time since the violence took place. This forms the first part of the reconciliation process namely, facing reality.⁸ These institutions guarantee not only that offenders face the reality of their wrongful actions, but also that they face their victims in person in the presence of the whole community, so that they realise the magnitude of their crime. To facilitate the process of facing reality, certain traditional ceremonies and institutions are employed, including *nhimbe/ilima*, (community working groups). These community working groups also give opportunities for truth-telling platforms. Repentance occurred publicly during these community working group sessions. Issues of restitution were also discussed and moderated during these sessions by a 'go-between', known as *sahwira*. This is a respect and trusted elder in the community who is a friend of the offender's family friend. The final stage in the reconciliation process was hosting of a memorial service (*nyaradzo*) and then another set of rituals and ceremonies meant to bring back the spirit of the deceased as an ancestor (*kurova guva*). The ultimate aim of these ceremonies was to reconcile the two families and in the process bring closure to both the victim's and the perpetrator's families.

These rituals and ceremonies could not be conducted during the politically motivated violence era when the atrocities were committed: they were shelved pending the normalisation of the political environment which occurred when the Government of National Unity was formed. In cases where the perpetrators were unknown, or when they refused to cooperate, the institution of *ngozi*s employed by the victim's family as a last resort to force the family of the perpetrator(s) to initiate the reconciliation process (Chief Ngonidzashe Marongwe 2013. pers comm., 2 April). *Ngozi* proved efficacious in forcing offenders to take responsibility, and secured confessions (truth telling) which led to the payment of restitution and culminating in reconciliation. Only when this had been finalised could the central rituals of *nyaradzo* and *kurova guva* occur. Other institutions used to support the above rituals and ceremonies were *usahwira* (family friendship), Tree of Life, *botso* (self-shaming), *chenura* (cleansing) and *gata* (spiritual autopsy). The next section discusses some of the traditional institutions used in Zimbabwe to achieve healing and truth telling.

***Nhimbe/ilima* (Community Working Group)**

Nhimbe/ilima is the most basic traditional transitional justice mechanism observed in Zimbabwe. As a transitional justice institution *nhimbe* is mostly used to make offenders face the reality of their actions and take responsibility for their wrongdoings. It is used in cases where the offenders are known to the victims and live in the same community. In 2008, a non-governmental organisation, Heal Zimbabwe, was formed to assist perpetrators to seek closure and reconciliation with victims' families through the *nhimbe/ilima* mechanism. Heal Zimbabwe created enabling environments for estranged families to come together and talk about their differences. *Nhimbe/ilima* is a traditional communal African practice where communities pool their resources and labour to assist, usually vulnerable members of the community. It is a social security mechanism, which, *inter alia*, ensures food security through gathering community members to perform certain tasks which the vulnerable family is struggling to cope with. These community working groups have also been effective in assisting child-headed households during the ploughing and harvesting seasons.

Nhimbe's strength lies in its numbers: where a family of two would need weeks to plough the fields, community members would perform the same tasks in hours. Heal Zimbabwe, therefore, adopted a community food security mechanism which upholds the principles of *hunhu/ubuntu* and turned it into a peace building and reconciliation mechanism.

When used as a transitional justice mechanism, *nhimbe/ilima* relies on a third party or middleman known as *sahwira* (family friend). The *Sahwira* initiates the process by encouraging the two families to hold a *nhimbe* in the victim's field. Community leaders such as headmen are involved in the planning, give pre-approval, and participate in the *nhimbe*. When the villagers gather at the victim's field, work starts in earnest. The tasks include hoeing the field or harvesting ripe cotton. It is during these proceedings that the *sahwira* breaks the proverbial ice and brings the issue of human rights abuse into the discussion. As will be discussed later, the perpetrator is asked to narrate what happened on the fateful day, while the victim's family asks questions, usually through the *sahwira*, who is also the mediator. This process, in transitional justice is the truth telling phase and is part of the healing progression; the family of the victim and community will hear the exact circumstances that led to the victim's death.

The efficacy of this mechanism is it allows for truth telling and, in some instances, reconciliation, and where necessary promises of reparation, leading to memorialisation. All these are key pillars of an effective transitional justice mechanism. Where in the past communities were afraid to attend or organise community working groups, Heal Zimbabwe created an enabling environment to turn these occasions into opportunities for community peace building, healing and reconciliation. The organisation also often invited the police to deter any violence.

Truth Telling and Reconciliation during *Nhimbe/Ilima*

Two key components of transitional justice are truth telling and reconciliation. In realist transitional justice mechanisms, these components are embedded in the consummation of *nhimbe/ilima*. While pooling labour for a disadvantaged community member is the original thrust of *nhimbe/ilima*, in the aftermath of intra-commu-

nity human rights abuses, truth seeking, truth telling and reconciliation have emerged as the primary objectives of these traditional institutions. As noted above, these objectives have been achieved through bringing the perpetrators (if present), and their family to the homestead of their victims in the presence of the community and local traditional leadership to provide labour, usually in the fields of their victim or the victim's family. In most of the cases covered by the researcher, Heal Zimbabwe was approached by the perpetrators or their families to facilitate the truth telling and reconciliation process. The local headmen were then officially notified of the process which was to take place in their jurisdictions.

In some cases, such as rural Murewa and Mutoko, local headmen elevated the message by sending it to their paramount Chiefs. As stated above, the reconciliation process was preceded by a truth seeking and truth telling session which occurred as the two families were working in the victim's fields. It is the responsibility of the *sahwira* to initiate the truth-seeking process by posing probing questions to the perpetrator (if present) or to their family (in their absence). An example of a typical question is:

Now that we are all here and no one can beat you in front of the whole community and the Headman, Tobias, tell us exactly what happened the night John disappeared? (Question used at a nhimbe in Buhera District, Manicaland Province in 2012)

Once the perpetrator or a family member started providing answers, the victims, their families, the other community members and even the headman begin to probe the circumstances around the incident further. In facing the reality, offenders tell the truth, take full responsibility for their actions and do not blame those who ordered them to commit human rights abuses.

Given the non-punitive nature of the process, perpetrators often seize the opportunity to relieve themselves of the truth in a bid to secure forgiveness, closure and reconciliation. The *sahwira* as the mediator determines when to end the question and answer session, and gives a summary of the proceedings while pleading with the victims, their families and the community to forgive the offender.

At the end of the day's work in the fields, the whole community congregated at the victim's homestead to conclude the ceremony. In most cases, this was done by partaking of traditional

beer brewed specially for the ceremony. At nightfall there would be an event which included dancing in celebration of the rebirth of cordial relations. The sunrise on the next morning signified the birth of a new relationship and the official acceptance of the perpetrator's apology. In rare cases, this was followed by an invitation from the offender's family to the victim's family to attend another ceremony at the perpetrator's homestead. The final stages of the ceremony would involve communication between the 'living living' and the 'living dead'. A ceremony called *nyaradzo* (memorial service) would take place to console the victim's family and to accord them closure. This final ceremony is known as *kurova guva*, and occurs when the spirit of the deceased is brought back to the realm of the living to perform the duties of an ancestor.

It is interesting to note that even after such public confessions were made by offenders, none would be arrested. The police merely ensured that no violence occurred. *Sahwira* proved to be instrumental in mediating the payment of reparations (where due) and reconciliation. Other traditional ceremonies and institutions are complementary to *nhimbe/ilima* and include *gata* (spiritual autopsy), *botso* (self-shaming) and *chenura* (cleansing ceremony). They will be analysed in detail in the following sections.

Botso (Self-shaming)

Botso is an institution that is used to appease for intra-family wrongdoing, usually when a child abuses a parent. As a transitional justice mechanism, *botso* works in that it allows the whole community to know the truth as the process involves the perpetrator wandering around the community telling every person he or she meets the wrongs that they committed. In the process of roaming the villages the perpetrator collects an assortment of grains to be used for brewing beer for his/her cleansing ceremony. This practice is not widespread as cases of intra-family violence are usually solved at 'living living' level without escalating the matter to the spiritual or 'living dead' level.

Interpretation of Botso as a Transitional Justice Mechanism

Botso is a system of appeasing an aggrieved, deceased family member wronged or killed by another. If one kills, causes another to be killed

or otherwise angers a relative, in most cases the mother, and does not seek forgiveness before the aggrieved person dies, the offender must pay reparation by participating in the process of self-shaming (*kutandabotso*). Using Misener's (2001) five 'R's reveals that this institution is premised as admission of guilt, self-shaming, paying of reparations and reconciliation on reality, responsibility, repentance, restitution and reconciliation.

The first step as described in the incident above is that there is the dual *reality* of a disappeared ex-combatant who served in Zimbabwe's liberation war, on one hand and that of a young girl inflicted with a series of unexplained misfortunes including the failure of the onset of her menstruation despite her age. It was established that the deceased took the *responsibility*, possessed his daughter, and provide directions to the shallow grave. *Repentance* was sought by the brother who engineered and caused the deaths. The brother publicly admitted to the offense and asked for forgiveness. Inherent in this process of repentance is truth telling which constitutes an integral part of transitional justice. The truth was also revealed when the spirit of the deceased led the family to the shallow grave where he had been buried.

Reparation was paid and shaming accomplished when the guilty sibling spent seven nights in the same room where his brother's remains were kept. This served as a reminder to the offending brother of his wrongdoing which he thought would go unpunished. Finally, *reconciliation* was achieved when certain rites and rituals were performed after the seven day punishment. Proof that the ceremonies had been a success and accepted by the deceased was that all the afflictions and illnesses which had troubled family members suddenly disappeared. The girl who was possessed by her late father's spirit started menstruating. It was reported by Vambe, who is related to the family, that this occurred soon after the rites and rituals had been performed. This was taken by many as a sign that reconciliation, healing and closure had taken place (pers. comm., 12 June 2012).

As noted earlier, among the Shona people the three processes of reconciliation, healing and closure occur at the three levels of life, that is, the 'living unborn', the 'living living' and the 'living dead'. The next section discusses another

form of traditional transitional justice mechanisms, *nyaradzo*, which means memorial service.

Nyaradzo (Memorial Service)

Nyaradzo is a transitional practice meant to bring closure to the family of the deceased and is usually performed a month after burial. Most of the victims of politically motivated violence in Zimbabwe were not properly mourned, with some having their *nyaradzo* postponed for security reasons. This was likened to a postponed burial by the Executive Director of Heal Zimbabwe, Rashid Mahiya, who observed that these memorials acted as a platform to sensitise communities to the dangers of committing human rights violations. This invested the mechanism with the capacity of a deterrent, a key aspect of an effective transitional justice mechanism. In this case, during the *nyaradzo*, religious and traditional leaders were invited to attend. It was during the speeches that formed part of the *nyaradzo* that issues of politically motivated violence were discussed. The victims' family representatives and those supporting the perpetrators were also given a platform to air their views, with perpetrators or their family representatives openly asking for forgiveness and warning others not to commit the same crimes. Since, most of the families were poor; Heal Zimbabwe donated tombstones which were erected as part of the memorial service. *Nyaradzo* culminated with the erection of these tombstones as memorials, to remind the community of the gross violations of human rights and as a mechanism of deterrence.

Mahiya was convinced that the program was effective because all the communities Heal Zimbabwe worked with sympathised with the victims' families, publicly acknowledging the crimes of the perpetrators and sharing the blame for allowing members of the community to commit such atrocities. In the process, community leaders and the head of the perpetrator's family also showed remorse for failing both the victim's family and the community at large in their leadership because these fatalities were committed under their jurisdiction. Such acts of public acknowledgement are not found in idealist transitional justice mechanisms such as prosecutions. This, further, strengthens the role of traditional transitional justice mechanisms in reconciling post-conflict communities.

In the absence of the rigours of due process of cross-examination, truth telling was usually not difficult to achieve under traditional transitional justice mechanisms. This rendered healing and closure possible, bringing the prospects of reconciliation even closer. Mahiya stated that he was happy with the progress his organisation made because the public acknowledgement of wrongdoing made by family heads, community leaders and traditional authorities put pressure on political leaders who had either ordered or presided over the human rights abuses to acknowledge their wrongdoing (pers. comm. 21 September 2013). This is unlikely to happen in prosecutions.

Kurovaguva/Magadziro/Umbuyiso

The traditional ceremony of *kurovaguva/magadziro/umbuyiso* is common among both the Shona and the Ndebele people. It is the culmination of all the rituals meant to ensure that the spirit of the deceased rests in peace before being summoned by the 'living living' and authorised by the 'living dead' to return as an ancestor. The purpose of *kurova guva* (*guva* literally means grave) is to bring back the spirit of the dead so that s/he can reside with the family, protecting and blessing it while occasionally punishing it for misbehaviour by, for example, allowing calamities to befall it. In most cases, *nyaradzo* must be performed before *kurovaguva* and for adults, the ceremonies happen approximately a year after burial. The modalities, consultations, ceremonies and rituals that accompany the institution of *guva* are unfortunately beyond the scope of this discussion.

This paper is concerned with a specific issue: exploring how the institution of *guva* was transformed to function as a transitional justice mechanism. The answer is found in the additional roles that the institution fulfilled. Most importantly, it offered the families and communities final closure while reuniting them with the spirit of their dead relative. This completed the trilogy of life forms for Shona and Ndebele beliefs which are the 'living unborn', the 'living living' and the 'living dead'. The absence of one of these three life forms is deemed unjust and considered an abomination, capable of bringing the most unbearable calamities as there is no connection with God. This is believed possible only through the intercession of the 'living dead' on behalf of the 'living living' and the 'living unborn'.

Employing the two theoretical frameworks of the five pillars of transitional justice and the five 'R's of restorative justice to ascertain the efficacy of *guva* as a transitional justice mechanism revealed that it is probably the best bottom-up, victim-centred mechanism at work in Zimbabwe. The five pillars of transitional justice are truth telling, reparations, collective memory and memorialisation, trials and institutional reform (Chitsike 2012: 3), while the five 'R's of restorative justice are reality, responsibility, repentance, restitution and reconciliation (Misener 2000). In addition, *guva* is efficacious as a form of education. As a transitional justice mechanism *kurova guva* fulfils the following functions. Firstly, it serves to officially communicate with the 'living dead', especially those recently departed to rest in peace. Secondly, it enables the eldest living male offspring of the deceased to inherit his father's estate, and lastly, it serves as a forum for the collective and public memorialisation of the dead.

Other ceremonies and rituals that are performed before *guva* such as *nyaradzo*, *kutandabotso*, *chenura*, and *gata* are prerequisites of *kurovaguva*. *Gata* as a form of spiritual autopsy that ensures that the cause of death is ascertained and that those responsible are notified so that the processes of reparation leading to reconciliation can commence. In cases where a child has killed a parent, especially a mother, the perpetrator has to undergo a self-shaming process called *kutandabotso*. This requires dressing in rags and roaming the villages, confessing while collecting donations of grain to be used in his/her cleansing ceremony. Reparations are paid by the perpetrator to the victim's family and the traditional leaders. Reparations are considered due to the traditional leaders because spilling innocent blood is a crime against the land. This crime warrants that the offender pays cattle to the Chief as an admission of guilt and also in reparation to the traditional authorities. The cattle are used in part for the traditional cleansing of the land over which the Chief presides. Since these ceremonies are attended by all community members, they present a perfect platform for collective public memorialisation.

Chenura (Cleansing Ceremonies)

Once the family and community-based rituals of *nyaradzo* and *guva* have been performed, the healing process in rural areas usually takes on a grander dimension in which the land is

cleansed of spilt blood, made holy and ready to receive the blessings of rain and bumper harvests. The essence of cleansing ceremonies as realist transitional justice mechanisms is that human rights abuses defile the land, leading the ancestors to withdraw blessings, chief among them rain and peace. Such cleansing ceremonies reconnect the communities with their ancestors. In these circumstances, realist traditional justice mechanisms are the only key to unlocking these blessings which the communities believe they are entitled to. The traditional leaders preside over the cleansing ceremonies. The offender provides the animal which is slaughtered during the ceremony, and traditional beer is brewed and consumed as part of the ceremony.

The area spirit medium and the chief lead and guide the ceremonies. An example of such a cleansing ceremony was held in Zaka's Ward 24 under Chief Bota in Masvingo Province on 4 December 2010. All the Headmen who fell under Chief Bota's jurisdiction were invited and they attended together with their respective subjects. This series of cleansing ceremonies were celebrated as they had managed to bring perpetrators and their victims together. Politicians from both the Zimbabwe African National Union-Patriot Front (ZANU PF) and the main Movement for Democratic Change (MDC T) were also present. Villagers discussed the issue of politically motivated human rights abuses on Saturday 5 December and devised mechanisms to avoid a recurrence and to help victims, especially widows and orphans. Chief Bota's cleansing ceremony implied that his respective Headmen could handle criminal cases committed post-2008 in their own traditional courts, something which was almost impossible before the cleansing ceremonies were held. Besides handling such cases, the Headmen were mandated by the Chief to initiate their own healing and reconciliation initiatives at local level.

Another cleansing ceremony was held in the Midlands Province, Gokwe District in Madzivadivo at Chief Chireya's homestead. This was probably the biggest *chenura* held in line with the 2008 election violence. Addressing more than 700 people who attended, Chief Chireya noted that:

...lives were lost... and blood was spilled, that angered the spirit mediums and that should never be repeated again. We say this because we are Chiefs and have a duty to protect the people...

The *chenura* was attended by most Sub-Chiefs and Headmen who fell under Chief Chireya. These included Chiefs Mashame, Nembudzia, Goredema, Makore, Gumunyu, Nemangwe and Madzivadivo. These combined Chiefs and Sub-Chiefs have a combined jurisdiction with a population of 358 650 (Zimbabwe Census Report 2012: 42). Gokwe Senator Mutingwende, representing politicians, also attended. The police, army and the civil service were also strongly represented signifying the importance of the *chenura* to the country's peace building process. The implication is that cleansing ceremonies and related traditional transitional justice mechanisms have potentially reached over 350 000 people in Gokwe District alone. This attests to their wide application.

CONCLUSION

This paper explored traditional transitional justice mechanisms in Zimbabwe. It demonstrated the existence of peace building initiatives that are victim-centred and bottom-up and, most importantly, it proved that transitional justice occurs in Zimbabwe without the involvement of the state. The traditional transitional justice mechanisms discussed in this paper utilise the family and the community as the core units around which reconciliation is centred. The advent of mass civilian-on-civilian violence in addition to uniformed force-on-civilian violence has necessitated that traditional transitional justice mechanisms are adapted to the new realities of gross human rights abuses, usually by known perpetrators. In Zimbabwe, a plethora of these mechanisms have been positively utilised to force offenders to face the reality of their wrongful actions, to take responsibility, seek repentance, pay restitution and reconcile with their victims. Besides, these traditional transitional justice mechanisms have ensured truth telling, compensation and forgiveness, resulting in reconciliation. Where reparations have been due, offenders have used the institutions of *botso* and *ngozi* to seek forgiveness and achieve reconciliation.

RECOMMENDATIONS

To realise true healing and forgiveness it is important for victims and offenders to go

through all the stages of transitional justice until they realise closure. Although, the processes require time and the harnessing of stakeholders working together to realise an effective system, it has been proven that they are worth the investment. This paper recommends that this framework be utilised in other rural communities of Zimbabwe where these institutions had become dormant to achieve bottom-up, victim centred healing and closure. A second recommendation is that these mechanisms should not work as parallels to the existing justice systems but should be used to compliment the justice system by determining closure in both the legal and traditional African methods of addressing human rights violations and unnatural deaths caused by perpetrators known to the victim.

NOTES

- 1 While the rural/urban dichotomy in seeking transitional justice is not solid, it is here used mainly as a geographical locator of where most of these traditional ceremonies, rituals and rites are carried out.
- 2 *Ngozi* is a metaphysical phenomenon, cultural practice and a belief system stemming from a particular cosmology in which those who die unnaturally are believed to return in spirit form to force those responsible for their death to compensate and reconcile with the deceased's family.
- 3 *Botsa* is an institution that is used to atone for intra-family wrongdoing, usually when a child abuses a parent.
- 4 *Chenura* is a set of cleansing ceremonies undertaken to appease the land after the commission of a crime such as murder. The Shona people believe that such crimes defile the land, leading the ancestors to withdraw blessings, chief among them rain and peace. Only after the land would have been cleansed would peace, rain and other blessings return to the land.
- 5 *Nhimbe/ilima* is a traditional communal African practice in which communities come together to pool their resources and labour to offer assistance, usually to the vulnerable members of the community. The same institution is also used for other purposes such as pooling labour during peak harvest time. In terms of livelihoods, it is used to shield orphans and vulnerable children as well other child headed households from hunger by providing them with pooled labour to enable them to cope with farming labour demands.
- 6 In its simplest form, *nyaradzo* is a memorial service held in honour of the deceased.
- 7 *Gukurahundi* is a Shona word meaning separating chuff from grain. It was the name of a military operation which was aimed at eradicating perceived dissidents in the predominantly Ndebele speaking Provinces of Matebeleland and Midlands. The operation was executed by a specialised North Korean

trained brigade resulting in an estimated death of 20 000 civilians.

- 8 The parts of the reconciliation process are Reality, Responsibility, Repentance, Restitution and Reconciliation. See Don Misener, R. 2001. *Restorative justice: a Christian perspective*. Kingston and Ontario: Queen's Theological College.

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