Transitional Justice National Survey

A Report on the People's Perceptions and Recommendations

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EXECUTIVE SUMMARY

This report is a follow-up to the *Taking Transitional Justice to the People* outreach project, which commenced in 2009, during which the Zimbabwe Human Rights NGO Forum (the Forum) went to local communities across the country to introduce the discussion on transitional justice. In this survey, the Forum conducted research between February and March 2011 to capture the recommendations and perceptions of individual Zimbabweans on transitional justice. This report highlights the most relevant recommendations and perceptions, and summarizes the responses of 3 189 individuals to 23 questions administered from a previously designed questionnaire. Through a series of tables as well as summary notes, a picture of the views, attitudes, perceptions and recommendations of Zimbabweans towards transitional justice is presented.

This report is unique in that it presents the findings of the first national survey on transitional justice in Zimbabwe, and it adds to the short list of consultative-based positions on transitional justice in the country. One of the main purposes of the report is to inform policy on how to deal with past gross human rights violations in Zimbabwe, thereby assisting in steering the country towards peace and political tolerance.

Nine sections, which address the various issues captured by the research, make up the core of the report. These sections are as follows:

1. Understanding of 'Transitional Justice' and related aspects

The first section covers questions on people's knowledge and understanding of the term 'transitional justice'. Responses to questions about these issues are summarized, and from the analysis it is clear that, while many Zimbabweans do not have a technical appreciation of the concept of 'transitional justice', they are aware of the core issues that speak to the term.

2. The Organ on National Healing, Reconciliation and Integration and its work

This section speaks to the knowledge and perceptions of Zimbabweans about the Organ on National Healing, Reconciliation and Integration. In this context, 74 per cent of the respondents stated that they had never heard of it, which indicates that the Organ's visibility and/or effectiveness up to this point has been fairly limited.

3. Effect of human rights violations

This section captures responses to questions about how individuals have been affected by politically motivated violence, either as a victim, perpetrator or witness. It is noteworthy that only seven individuals of the population sampled identified themselves as perpetrators of political violence.

4. Responsibility for human rights abuses

Responsibility for human rights abuses is one of the key aspects that this research project considered, and this is covered in the fourth section of the report. Of those respondents who had experienced human right abuses, 60 per cent blamed political activists for the violence, while 12 per cent blamed militant groups.

5. What the victims feel

This section deals with the victims' needs as part of the transitional justice process in the country. The statistics here indicate an urgent need for healing and justice, as a combined total of 76 per cent of respondents said they were still struggling to deal with past violations.

6. Healing and repentance

The views of Zimbabweans on healing and reconciliation are summarized under this heading. The questions capture respondents' views on the possibility of repentance by perpetrators of political violence and of the healing of the victims. Forty-one per cent of the respondents did not believe that perpetrators of political violence would ever repent; 41 per cent also believed that the victims of political violence cannot be healed.

7. Recommendations on the way forward

This section outlines the respondents' recommendations for a transitional justice process in Zimbabwe. The issues covered by the questions include the rehabilitation of the victims, truth recovery, reparations, accountability, administration of the transitional justice programme in Zimbabwe and the time frame it should cover. A summary of the key expectations of Zimbabwean communities in each key area follows.

8. How far should we go back?

This section considers the respondents' views on the period that should be covered by a transitional justice process in Zimbabwe. There were differences with respect to the responses from the ten provinces to this question, which were especially notable between the Matabeleland and Mashonaland regions: respondents in the former favoured looking back to the period just after independence, whereas those in the latter regions predominantly believed that the period of time from 2008 to the present should be covered. The responses given by the different regions were in accordance with the periods during which violence was at its peak in those areas.

9. Security

This section records the personal security concerns of individuals about possible future human rights violations, and who they thought might be responsible for any threat to their security. The respondents were also asked about the measures they would take if they were attacked. Fifty-three per cent of the respondents stated that they lived in fear of violence; 52 per cent stated that political activists were the reason that they were afraid.

Key Findings

While recent surveys on transitional justice have presented some very interesting findings, they admittedly do not show the complete picture of the discussion process in the country. This survey is an attempt to close this gap and capture the views of a larger section of Zimbabwean society.

Some of the key findings contained in the report are as follows:

1. In terms of the administration of a transitional justice programme, a substantial number of respondents said that they trusted the churches to lead the process. The second most popular option was for government to lead the process, with the majority of respondents believing that whichever government was in power should be responsible for a reparations programme.

2. In terms of the period to be covered by a transitional justice process, 41 per cent of the respondents said it should cover the period from 2000, while only 3 per cent said the process should go back as far as before colonization. There were, however, stark differences among the ten provinces with respect to this question. These differences were especially notable between the Matabeleland and Mashonaland regions: respondents in the Matabeleland regions favoured looking back to the period just after independence, whereas those in the Mashonaland regions predominantly believed that the period of time from 2008 to the present should be covered. This can be attributed to differences in the levels and concentrations of violence in the different regions at different times, most notably during the *Gukurahundi* era in Matabeleland.

3. Eighty-three per cent of the victims believed that victims of political violence should be rehabilitated through counselling, reparations, the prosecution of perpetrators, truth recovery and apologies from the perpetrators. In all regions, reparations came out at the top of the list as the most preferred option for the rehabilitation of victims.

It is clear from the findings of the survey that the levels, nature, distribution and periods of violence in the various provinces have a significant impact on the preferred options for transitional justice as well as on who should administer the programme.

INTRODUCTION

The Forum's transitional justice interventions

Since 1998 the Forum, together with its member and partner organizations, has been working towards creating a climate of accountability for human rights abuses in Zimbabwe. In August 2003, Zimbabwean civil society, with the support of international experts, for the first time discussed issues of transitional justice in an structured manner. The Civil Society and Justice in Zimbabwe Symposium ('Johannesburg Symposium') was held to explore how best justice and accountability could be realized for the many past and present victims of human rights abuses in Zimbabwe. The Symposium also aimed at promoting a better understanding of transitional justice mechanisms, looking at options for their implementation in Zimbabwe.

In 2008 civil society convened in Harare a follow-up meeting to the Johannesburg Symposium. Among other things, this meeting reiterated civil society's commitment to the Symposium's resolutions. Civil society emphasized its commitment to a victim-centred, inclusive, comprehensive and consultative process to achieve transitional justice. At the same meeting the Forum was mandated to lead the full implementation of the resolutions adopted. In January 2009 the Forum put the agreed resolutions into practice by rolling out the first 'Transitional Justice to the People' outreach programme, the aim of which was to give victims of past violations, and the Zimbabwean people as a whole, a platform and voice to articulate transitional justice issues. The process also sought to establish their understanding of and commitment to transitional justice. The programme was intended to stimulate discussion around transitional justice options within communities and also to gather the people's views on the transitional justice mechanisms they would prefer and recommend. Their recommendations are captured in two Outreach Reports: *Taking Transitional Justice to the People* (Volume One, 2009; Volume Two, 2010).

While the first phase of the Forum's outreach programme provided an idea of what local communities in the country desired from a transitional justice process, it was designed to give a representative overview of what the country as a whole wanted to achieve. Accordingly, the Forum decided to conduct a national household survey on transitional justice to capture individual contributions to the process. Between 7 February and 31 March 2011, a qualitative and quantitative study was conducted, which aimed at eliciting in-depth opinions of participants from a broad spectrum of the Zimbabwean population on transitional justice issues. Semi-structured questionnaires were used to sample members of society. In total, 3 189 people from 84 constituencies in ten provinces were interviewed. This report is based on the data obtained from this process.

Why the Forum wants to know what Zimbabweans want

Against the background of progressive transitional steps in Zimbabwe, the Forum conducted a survey to document the experiences, views, and attitudes of ordinary Zimbabweans with a view to soliciting the people's recommendations on the way forward. The following objectives drove the national survey:

- To obtain the people's recommendations on the preferred transitional justice mechanism(s) for Zimbabwe.

- To give ordinary Zimbabweans an opportunity to participate in the transitional justice process.
- To assess the overall exposure of ordinary Zimbabweans to political violence.
- To understand the priorities and needs of civilians affected by political conflict in the context of transitional justice.
- To capture the various recommendations about peace and social reconstruction in the country.
- To document the people's attitudes and opinions about transitional justice mechanisms.

This survey captured the people's perceptions in all ten provinces, and opinions in both urban and rural areas of Zimbabwe were assessed.

There are difficulties and inherent limitations in conducting a population-based opinion survey at this juncture in Zimbabwe. The Forum pursued the survey, however, in order to lobby and encourage the Zimbabwean government and international actors to develop transitional justice mechanisms which are supported by the people.

How the research was conducted

Research design

The research method was based on a pre-determined questionnaire, which was administered to individual interviewees at household level. This method allowed the opinions of participants from a broad spectrum of the population to be elicited. The goal was to probe the opinions and attitudes of the general population about past gross human rights violations and possible responses to this history of abuse. Local staff with appropriate language and fieldwork skills were recruited and trained to assist in conducting the research.

While the initial research target was 3 200, in the end 3 189 respondents were interviewed. Eighty-four (84) constituencies were sampled randomly from the ten administrative provinces of Zimbabwe using the Probability Proportionate to Population Size (PPPS) approach. This technique ensures that each area is fairly represented according to its actual population. In other words, the Forum conducted more interviews in areas with larger populations than in those with smaller populations. Within the 84 randomly selected constituencies, two approaches were used for the next phase of sampling. In rural areas, one village was selected randomly within the constituency, and a centrally located notable feature (e.g. a school or store) was chosen as the starting point; in urban areas, a centrally located crossroads was selected as the starting point. In both rural and urban locations, researchers were deployed along compass lines and sampled every fifth household until the assigned number of households had been interviewed.

To allow an appropriate gender and age balance of respondents, one adult from each household was chosen randomly to participate in the survey as follows: the researcher would assign an alias to each adult present in the household and put slips of paper with those aliases into a hat. The researcher would then select one slip of paper from the hat to determine who would respond to the survey.

The demographic profile of the participants in the research was as follows:

- 68 per cent were from rural areas (32 per cent from urban areas).
- 51 per cent were female (49 per cent were male).
- 39 per cent were aged 18–30, 48 per cent aged 41–50, and 13 per cent aged 51 and above.
- 21 per cent were single, 66 per cent married, 11 per cent widowed, and 2 per cent divorced.
- 10 per cent had no formal education, 25 per cent had primary education only, 57 per cent had completed their education at secondary or high school level, and 8 per cent had progressed to and completed tertiary education.
- 65 per cent were unemployed, 16 per cent were employed in the informal sector, 10 per cent in the private sector, 4 per cent in the civil service, 4 per cent were students, and 1 per cent could not be accounted for.

The population from which the target sample was derived was 2 298 846 registered voters from the 84 constituencies.

Security issues

The environment for political research of this magnitude continues to be difficult in Zimbabwe, even more so when it deals with issues of institutionalized violence. In the course of the field research, several of the researchers were detained temporarily and interrogated by members of the Zimbabwe Republic Police. The Forum and its Director were harassed throughout the period of research, and the Director was subsequently charged for, among other things, instructing Forum staff to administer the transitional justice questionnaire.

The data-collection process took place over approximately two months while the security situation throughout Zimbabwe remained tenuous. The security concerns at times impacted on the investigators' ability to:

- plan interviews in advance;
- select participants randomly in certain locations;
- choose areas randomly in a constituency;
- select interview locations freely.

To forestall the security concerns, the research teams undertook thorough security assessments before they entered research areas. The teams largely depended on local support from the Forum's member organizations with local presence and knowledge of the areas. As planned, most interviews could be conducted at the participants' home.

Despite these challenges, the researchers managed to collect the targeted amount of data. In addition to the statistical data, they were able to collect a large amount of impressionistic data on state brutality, torture, displacements, detentions, petitions, and cases seeking compensation in the courts which may have had an impact on the results of the survey.

Ethical considerations

Before they conducted this survey, the Forum and its staff were aware that a project of this nature could inadvertently harm the participants; therefore, the safety of the research communities

was taken fully into account. The research was conducted overtly, and the researchers were transparent about their identities. No participant was pressured into participating with the researchers, and each participant was fully informed about the nature of the research, the possible risks, and the reasoning involved before the research commenced. Voluntary participation was required. Confidentiality of data and the anonymity of the participant were key factors in this research. All participants were given alias names for the purpose of the household sampling and confidentiality.

Interpreting the results presented

The Forum took great care to obtain as representative a sample from the adult Zimbabwean population as possible. Even so, selection of a perfectly random sample was hampered by unavoidable issues in the field. For that reason the Forum has chosen to present percentages and statistics for the responses; while the results can be considered representative of opinions and attitudes found across Zimbabwe, the specific numeric values should not be taken as population estimates. In other words, the statement that 18 per cent of the respondents recognized the term 'transitional justice' is not equivalent to the statement that 18 per cent of adult Zimbabweans recognize the term 'transitional justice'.

The structure of the report

The summary findings of the report are structured as follows:

1. Understanding of 'transitional justice' and related aspects
2. The Organ on National Healing, Reconciliation and Integration and its work
3. Effect of human rights violations
4. Responsibility for human rights abuses
5. What the victims feel
6. Healing and repentance
7. Recommendations on the way forward
8. Institutions, governance, elections and accountability
9. Security

These are followed by some general conclusions.

*Results provided in this and all other tables are derived from a representative sample of the adult population of Zimbabwe, but are unweighted and therefore should not be considered to be population estimates.

SUMMARY OF THE FINDINGS

1. Understanding of 'transitional justice' and related aspects

This section evaluates the effect of the Forum's previous outreach programmes, advocacy materials and reports distributed to the people, as well as addressing various policy challenges regarding transitional justice. Table 1 presents the response to the question that tested the respondents' level of familiarity with transitional justice.* The majority of the respondents (82 per cent) demonstrated ignorance of the term 'transitional justice'. This demonstrates the need for civic programmes meant to educate the people about what transitional justice entails.

Table 1: Have you ever heard of 'Transitional Justice' before?

	Frequency	*Percentage*
Yes	571	18
No	2 618	82
TOTAL	3 189	100

2. The Organ on National Healing, Reconciliation and Integration

The Organ on National Healing, Reconciliation and Integration was established in 2009 as one of the outcomes of the Global Political Agreement (GPA) between ZANU(PF) and the two MDC formations. Its mandate is to advise on a 'national healing' process in terms of Article VII of the GPA. This section is intended to establish the knowledge of the Organ and its standing among the people.

Table 2: Have you ever heard of the Organ on National Healing, Reconciliation and Integration?

	Frequency	*Percentage*
Yes	817	26
No	2 372	74
Total	3 189	100

Table 3: If yes, what is your assessment of the performance of the Organ?

	Frequency	*Percentage*
Performed very well	49	6
Performed well	203	26
Performed badly	217	26
Performed very badly	157	19
Don't know	191	23
TOTAL	817	100

As can be seen from Tables 2 and 3, the following trends emerged:

- 74 per cent of the respondents had never heard of the Organ.
- Of the 817 respondents who had heard of the Organ, 32 per cent gave it a positive rating of performing well or very well.
- Of the same 817 respondents, 45 per cent rated it negatively, saying that it was performing badly or very badly.
- The remaining 23 per cent had no opinion of its performance.

The questions on the work of the Organ were asked in order to determine the effectiveness of the government in addressing issues of past political conflict, as this body was specifically created under Article VII of the GPA to help the nation move towards national healing, reconciliation and integration.

The relative anonymity of the Organ was highlighted in the response of one elderly man (aged 71) who said, 'I may lie to you about the Organ. I was not yet born when it was formed.' The frequency of the 'No' answer indicates that there is need for the Organ to make itself more visible to the communities if it is to advise on a credible framework for national healing that is acceptable to the broader society.

3. Effect of human rights violations

This section considers the effects of violence on victims, perpetrators and witnesses.

The following are the highlights from Tables 4, 5 and 6:
- 16 per cent of the respondents said that they were victims of past human rights violations.
- Only 7 (less than 1 per cent) of the total of 3 189 respondents identified themselves as perpetrators.
- 2 per cent of the respondents said that they had witnessed human rights violations.
- 27 per cent said that their close relatives were victims of human rights violations.
- 1 per cent said that their close relatives were perpetrators.
- 48 per cent of the alleged violations had resulted in minor injuries to the respondents themselves.
- 25 per cent of the alleged violations had resulted in major injuries to close relatives and 19 per cent in displacement.

A total of 46 per cent of the respondents had been affected by some form of violation, either as victims or witnesses, or claimed that their relatives had been victims of violence. As has been indicated above, the number of perpetrators is insignificant. The bulk of the respondents (54 per cent) stated that they had neither witnessed nor experienced human rights violations.

Table 4: Have you been personally involved as a victim, or perpetrator, or witness?

	Victim		*Perpetrator*		*Witness*	
	Frequency	*Percentage*	*Frequency*	*Percentage*	*Frequency*	*Percentage*
Yes	520	16	7	0.2	71	2
No	2 669	84	3 182	99.8	3 118	98
TOTAL	3 189	100	3 189	100	3 189	100

Table 5: Were any of your close relatives involved as a victim or as a perpetrator?

	Victim		*Perpetrator*	
	Frequency	*Percentage*	*Frequency*	*Percentage*
Yes	851	27	28	1
No	2 338	73	3 161	99
TOTAL	3 189	100	3 189	100

Table 6: What was the result of the violation?

	To you		*To your close relative*	
	Frequency	*Percentage*	*Frequency*	*Percentage*
Death	n/a		163	19
Minor injury	250	48	300	36
Major injury	121	23	211	25
Displacement	143	28	165	19
Can't remember	6	1	12	1
TOTAL	520	100	851	100

Note: Two per cent of close relatives were affected in other ways, such as retrenchment, destruction of property, psycho-emotional problems, loss of livestock, and coercion to vote for or to attend meetings of particular political parties.

Table 7 explores the results of violations in the different provinces. The highlights are as follows:

- Matabeleland South and Mashonaland East provinces reported the highest number of violations that happened to the respondents themselves, and respondents from Bulawayo, Mashonaland East, Masvingo, Harare and Matabeleland North reported the highest number of violations to relatives. All provinces reported that in some cases violations resulted in the death of the victim, though Bulawayo and Matabeleland South reported the highest number of cases resulting in death.
- Mashonaland Central province emerged as the one with the lowest reported violence rate, with less than 6 per cent of respondents reporting cases of violence in all categories to themselves or to their relatives.

Table 7: Breakdown of Violations by Violation Result, by Province

	To you				*To your close relative*				
	Minor Injury	*Major Injury*	*Displacement*	*n/a*	*Death*	*Minor Injury*	*Major Injury*	*Displacement*	*n/a*
Bulawayo	9	2	10	79	9	16	7	12	56
Harare	10	4	3	83	6	14	8	7	65
Manicaland	11	2	7	80	3	14	8	5	70
Mashonaland Central	4	2	2	92	2	9	4	4	79
Mashonaland East	10	7	5	78	4	14	11	8	63
Mashonaland West	6	1	1	92	4	13	9	5	69
Masvingo	11	4	4	81	6	15	10	6	62
Matabeleland North	10	3	5	82	7	10	6	10	67
Matabeleland South	13	8	3	76	9	11	8	4	68
Midlands	8	6	7	79	5	9	10	7	69
ZIMBABWE	9	4	4	82	5	13	8	7	71

Note: The table gives percentages only. The measurement for Zimbabwe is the average percentage of all provinces. n/a = not applicable.

4. Responsibility for human rights abuses

This section further categorizes those held responsible for organized political violence. This information should assist in future accountability and healing-programme designs, both at community and national levels.

Table 8: Who was responsible for the past human rights abuses against you?

	Frequency	*Percentage*
Security agents	68	12
Political activists	345	60
Traditional leaders	21	4
Militant youth groups	129	23
Can't remember	9	1
TOTAL	572	100

It is significant to note from Table 8 that 60 per cent of past human rights abuses were attributed to political activists, while 23 per cent of the respondents blamed militant youth groups and 12 per cent blamed security agents for the human rights abuses against them. The responses can be further broken down by province, as shown in Table 9, whose highlights are:

- Political activists topped the list of perpetrators of violations committed countrywide.
- A higher percentage of violations was committed by militant youth groups in the Matabeleland regions.

The reason that political activists top the list of violators in all provinces may reasonably be attributed to the fact that violence in Zimbabwe is regularly linked to major events when political power is fiercely contested.

Table 9: Breakdown of Violations by Violation Responsibility, by Province

	To you					*To your close relative*				
	Security agents	*Political activists*	*Traditional leaders*	*Militant groups*	*n/a*	*Security agents*	*Political activists*	*Traditional leaders*	*Militant groups*	*n/a*
Bulawayo	4	6	0	3	87	4	15	0	10	71
Harare	2	12	0	3	83	2	22	2	4	70
Manicaland	1	12	2	5	80	1	18	1	4	76
Mashonaland Central	1	5	0	3	91	1	11	0	3	85
Mashonaland East	2	14	1	2	81	2	21	1	6	70
Mashonaland West	2	7	0	2	89	2	21	0	3	74
Masvingo	2	12	0	5	81	5	22	0	6	67
Matabeleland North	4	8	0	5	83	4	16	0	5	75
Matabeleland South	4	4	1	9	82	4	15	2	11	68
Midlands	3	14	1	6	76	5	14	1	11	69
ZIMBABWE	2	11	1	4	82	3	18	1	6	71

Note: The table gives percentages only. The measurement for Zimbabwe is the average percentage of all provinces. n/a = not applicable.

5. What the victims feel

The following section reflects the feelings of the victims about the abuses that they or their relatives suffered. The extent of the pain of the victims of abuses has a bearing on the potential of any future national healing or transitional justice programme. Individuals were asked how they felt about the violations against themselves as well as against their relatives.

Table 10: How do you feel now about these abuses?

	Frequency	*Percentage*
I have moved on	221	19
I don't care	31	3
I am still struggling	198	17
I am still bitter	686	59
Other	22	2
TOTAL	3 189	100

This question was intended to speak to the relevance of transitional justice and more importantly national healing. While those who identified themselves as victims or were closely related to the victim- admitted to being bitter,. Seventy-six per cent (17 +59) of the respondents to this question stated that they were still struggling with the experiences of the past. They reported being bitter about what they went through as shown in Table 10. Nineteen per cent said they had managed to move on.

6. Healing and repentance

In this section the respondents were asked about victims' capacity to heal, and to make an assessment of whether they thought that the perpetrators would repent of the wrongs committed. Their assessments are presented in Tables 11 and 12.

Forty-one per cent of the respondents felt that there was no likelihood that the perpetrators would ever repent or admit to the violent acts they had committed. An equal percentage also thought that the victims would never heal.

In one of the areas worst affected by political violence, a woman was asked what she would need in order to be healed; she answered, 'My husband.' Her husband had been murdered during the political violence.

Twenty-seven per cent of the people polled believed that it was possible to heal the victims effectively. Those who had doubts about the possibility of the victim being healed constituted 33 per cent of the respondents. Seventy-four per cent doubted the prospects of perpetrators of past human rights violations ever repenting.

Table 11: Do you think perpetrators of past violations can ever repent?

	Frequency	*Percentage*
Yes	823	26
Maybe	807	25
Never	1 316	41
I don't know	243	8
TOTAL	3 189	100

Table 12: Do you think victims can ever be properly healed?

	Frequency	*Percentage*
Yes	874	27
Maybe	815	26
No	1 292	41
I don't know	177	6
Not applicable*	31	0
TOTAL	3 189	100

*Refers to those who did not respond to the question.

7. Recommendations on the way forward

The following responses address the question of what should be done to create a future that is free from violence. Responses ranged from just moving ahead as a nation to demanding some form of compensation for victims of violence.

The key questions in this section, the results of which are detailed in Tables 13 to 16, form the heart of any transitional process and give priority to the needs of the victims as the centre of any healing processes. The questions address the pillars of transitional justice and allow the people to prescribe the mechanisms and suggest the period that should be covered.

Forty-nine per cent of respondents said that, in order for national healing to be successful, the victims needed to be compensated for the injuries suffered. Fourteen per cent believed that perpetrators must ask for forgiveness, and 29 per cent preferred the forgiveness approach to national healing. Twenty-two per cent opted for truth recovery, with 21 per cent calling for reparations to the victims of violence. Prosecutions were preferred by 14 per cent of the respondents.

Table 13: What do you think must be done to help victims of past abuses?

	Frequency	*Percentage*
Everyone was a victim so we must move forward	104	3
It was a time of crisis so they should move on	135	4
They must be compensated for their losses and suffering	1 578	49
The truth must be told about the past abuses	233	7
There must be prosecutions in courts	229	7
Perpetrators must ask for forgiveness from victims	440	14
Counselling	194	6
Other	102	3
Don't know	174	6
TOTAL	3 189	100

Table 14: What do you think is key to bringing about national healing, reconciliation and integration?

	Frequency	*Percentage*
Forgiveness	930	29
Truth recovery	706	22
Prosecution of offenders	441	14
Revenge	29	1
Reparations	656	21
Political stability	119	4
Praying to God	59	2
Other	95	3
Don't know	154	4
TOTAL	3 189	100

On who should be responsible for meeting the cost of compensations, 55 per cent said that the

government in power should cover the cost, while 24 per cent thought that the individuals who committed the crimes should be responsible. Eleven per cent believed that the political parties responsible for the violent acts should be held accountable for the costs of compensations.

There was general agreement that the churches and government had to lead the healing process. Thirty per cent believed that the churches could lead it, and 29 per cent believed that the government could do the same. There was a clear rejection of the Organ and civil society, receiving preferences as low as 3 and 12 per cent, respectively.

Table 15: If victims are to be compensated, who should be responsible?

	Frequency	*Percentage*
Whichever government is in power	1 746	55
Perpetrators in their individual capacity	773	24
Political parties	351	11
Civil society	237	7
Don't know	82	3
TOTAL	3 189	100

Table 16: Who you do think can be trusted to lead national healing, reconciliation and integration in Zimbabwe?

	Frequency	*Percentage*
The government	931	29
The churches	941	30
Civil society	390	12
Organ on National Healing and Reconciliation Integration	87	3
Traditional leaders	220	7
An international body	266	8
I trust no one	28	1
Other	132	4
Don't know	194	6
TOTAL	3 189	100

Table 17 shows consistency in terms of how the participants responded to the needs of the victims. In all provinces 80 per cent or more of the respondents recommended rehabilitation for victims through compensation, truth recovery, prosecution of offenders, counselling and apology.

In all regions, compensation came out strongly as the most preferred form of response to the needs of the victims. Manicaland and Mashonaland East scored the highest with 53 per cent, while Bulawayo scored the lowest with 30 per cent.

Following on from the need for compensation was the demand for an apology, which topped in Mashonaland Central and Mashonaland West at 18 per cent. Bulawayo was at the bottom with 5 per cent.

Table 17: Opinions on What Must be Done for Victims, by Province

	What must be done (%)				*Form of Rehabilitation (%)*				
	Nothing	*Rehabilitation*	*Don't know*	*Other*	*Compensation*	*Truth recovery*	*Prosecution*	*Apology*	*Counselling*
Bulawayo	8	80	5	7	30	10	16	5	19
Harare	7	85	4	4	51	7	7	11	9
Manicaland	8	84	5	3	53	4	5	15	7
Mashonaland Central	7	81	9	1	50	5	4	18	6
Mashonaland East	10	80	7	3	53	5	4	14	4
Mashonaland West	8	84	6	4	48	5	5	18	6
Masvingo	6	84	5	4	52	5	6	17	5
Matabeleland North	7	86	3	3	49	12	12	11	3
Matabeleland South	10	85	5	0	51	14	9	11	0
Midlands	4	88	7	2	53	11	10	14	1
ZIMBABWE	8	84	5	3	50	7	7	14	6

Note: Table gives percentages only. Measurement for Zimbabwe are the averages for the provinces.

Those provinces with Ndebele-speaking people directly affected by *Gukurahundi* showed the strongest desire for prosecutions.* There could be other reasons not covered by this research to explain the desire for prosecutions. Bulawayo tops the demand for prosecution with 16 per cent, followed by Matabeleland North at 12 per cent and Midlands at 10 per cent. Mashonaland Central and East are the lowest at 4 per cent.

Truth recovery was most recommended in Matabeleland South, by 14 per cent of the participants, followed by Matabeleland North and Midlands with 12 per cent and 11 per cent, respectively.

Overall, the lowest demand was for counselling, which was least supported in Matabeleland South with less than 1 per cent.

8. How far should we go back?

Table 18 reflects the respondents' views of the period which transitional justice should cover. The largest percentage of the respondents (41 per cent) wanted the process to cover the period from 2000 to the present.

Eighteen per cent wanted the process to cover the period just after independence, and 12 per cent wanted it to start from the 1990s. Fourteen per cent wanted the process to cover the period before independence, but only 3 per cent wanted to begin before colonialism.

A regional analysis showing the geographical differences in the preferred period from which transitional justice should commence appears as Table 19.

* *Gukurahundi* is a term used for the disturbances in Matabeleland and Midlands provinces between 1983 and 1988 in which many civilians were killed by state agents and dissident combatants.

Table 18: How far back should transitional justice go?

	Frequency	*Percentage*
From 2000	1 305	41
From the 1990s	371	12
Just after independence	563	18
Before independence	459	14
Before colonialism	92	3
Other	63	2
Don't know	336	11

When asked which period they preferred transitional justice or national healing to cover, the respondents' suggestions varied from region to region and according to victims' experiences. Such experiences differed according to generation and geography. Those born after independence preferred the period that covered more recent events, of which they had vivid memories. Others, particularly from the Matabeleland and the Midlands regions, favoured the time period covering the *Gukurahundi* era, while those in areas such as Mbare and Epworth opted for the time period that included the 2005 Operation Murambatsvina.* Those in the farming areas related to the 2000 farm invasions because for them that memory was the most vivid.

Specific trends from the regional analysis show that in Masvingo, 51 per cent preferred the healing process to take place from 2000 onwards while 38 per cent from Matabeleland North and 36 per cent from Bulawayo wanted the process to capture the period from just after independence. Twenty-two per cent from Matabeleland South recommended the period before independence. Only 16 per cent of Harare preferred the process to commence from the 90s. Thirteen per cent of the respondents either did not know or they preferred other times, which were scattered outside the periods captured.

Table 19: How Far Back Transitional Justice Should Go, by Province

	Before colonialism	*Before independence*	*Just after independence*	*From the 1990s*	*From 2000*	*Some other time period*	*Don't know*
Harare	2	13	14	16	43	2	10
Mashonaland Central	3	20	11	4	44	3	16
Mashonaland East	3	17	12	11	46	2	10
Mashonaland West	4	15	13	13	43	2	13
Matabeleland North	4	13	38	10	26	0	8
Bulawayo	4	15	36	13	24	2	5
Matabeleland South	2	22	29	13	25	1	8
Masvingo	2	11	12	10	51	4	12
Midlands	1	14	21	13	40	0	10
Manicaland	4	10	13	11	49	3	10
ZIMBABWE	3	14	18	12	41	2	11

*In May 2005 the government launched a 'clean-up' operation of its cities known as Operation Murambatsvina. It was described as a programme to enforce by-laws to stop all forms of alleged 'illegal activities in areas such as vending, illegal structures, illegal cultivation', among others, in the cities. The subsequent UN report is available at <http://ww2.unhabitat.org/documents/ZimbabweReport.pdf> [accessed 19 July 2011].

The regional trends reflect the fact that specific regions suffered different violations at different times. Not surprisingly Bulawayo, Matabeleland North and South Provinces and Midlands preferred transitional justice to cover the period just after independence, which includes the *Gukurahundi* period. However, most provinces favoured the period from 2000, which saw the rejection by the electorate of a constitutional referendum, the first farm invasions, and a presidential election with attendant violence. Of those who chose the period of time from 2000 to present, the greater percentage preferred the period after 2008 following the disputed harmonized elections.

9. Security

This section (Tables 20 to 22) records the personal security concerns of individuals about possible future human rights violations, and also who respondents thought might be responsible for any future threat to their security. Respondents were also asked about the measures they would take if attacked.

The highlights of this section regarding security are as follows:

- 27 per cent of the respondents said that they always lived in fear, while 26 per cent said they sometimes did.
- 52 per cent identified political activists as those responsible for their living in fear.
- 29 per cent of the total sample said they would do nothing if they were attacked, while 41 per cent said that they would report to the police.
- 13 per cent would run away, and 10 per cent would fight back.

Table 20: Do you have personal fears regarding human rights violations?

	Frequency	*Percentage*
Yes, always	860	27
Sometimes	818	26
No	1 511	47
TOTAL	3 189	100

Table 21: Who are you afraid of?

	Frequency	*Percentage*
The military	34	2
The police	53	3
Political activists	875	52
Traditional leadership	24	1
Militant youth groups	293	17
Political parties	296	18
I don't know	28	2
Other	75	5
TOTAL	1 678	100

Table 22: What will you do if you are attacked?

	Frequency	*Percentage*
I will run away	400	13
I will fight back	333	10
I will report to the police	1 314	41
I will do nothing	910	29
I will report to the traditional leaders	39	1
I will negotiate my way out	25	1
I don't expect to be attacked	41	1
Other	127	4
Total	3 189	100

The issue of security is relevant as it also shapes the peoples' views on the way forward. This section indicates that the majority (53 per cent) of respondents live in fear. Some were able to identify who they were afraid of, while some did not disclose this.

CONCLUSION

This report on the findings of the transitional justice survey conducted by the Forum provides an interesting perspective on the discussion of transitional justice in Zimbabwe by recording recommendations from victims as well as from perpetrators of political violence on how the process should be carried out. Apart from providing recommendations for a transitional justice process, the survey also gave respondents an opportunity to name those they thought were responsible for the violence and also provided a glimpse into their level of confidence in public institutions. All of these aspects are important in designing a credible transitional justice process.

Among the key findings of the survey was that 18 per cent of the respondents reported an encounter with violence.

A large number of the respondents, 75 per cent, were not aware of the existence of the Organ on National Healing, Reconciliation and Integration. This was a cause for concern because it showed that very little had been done on a national scale to create awareness of the work of the Organ in local communities where violence was believed to be prevalent. From these findings it is clear that much more work needs to be done at community level to create awareness of the Organ and its work if any credible activity is to be initiated or carried out by it.

The level of bitterness in the victims of the violations was also a cause for concern. Of the total number of respondents who identified themselves as victims of political violence, 76 per cent were still either feeling bitter or struggling to cope with the fact that their concerns had never been appropriately addressed.

The country has low healing potential. Forty-one per cent of the respondents believed that victims of political violence could not be healed. This is a serious concern for a country that needs healing to forge ahead. It also emerged that 41 per cent of the respondents believed that the perpetrators of political violence could never repent. These percentages show an urgent need to deal with past politically motivated violence and bring perpetrators to account.

The respondents believed in a broad-based truth, recovery and reparation programme as the lasting solution to the national problem: 49 per cent of the respondents called for the compensation of victims, while 22 per cent opted for truth recovery and 21 per cent wanted reparations for the victims of violence. Prosecutions were prioritized by 14 per cent of the respondents.

The responsibility for providing compensation was placed on the government's shoulders, with 55 per cent saying that the government in power at the time should take the responsibility. It is interesting to note that, while there was a high preference for the government in office to meet the costs of compensation, in terms of the administration of the process a different preference was expressed, although the difference was statistically marginal.

A fairly large number of the respondents agreed that the churches and government could lead a credible transitional process: 30 cent chose the churches, while 29 per cent preferred a process led by the government. However, the Organ and civil society were not preferred choices, as shown by the respective 3 and 12 per cent ratings.

A majority of the respondents (82 per cent) could not blame anyone in particular for violence because they claimed that they had never encountered it; however, 11 per cent blamed political activists. Previous research undertaken by the Forum shows that political violence in Zimbabwe escalates during periods of political activity such as elections, and this could explain why political activists were apportioned the highest percentage of blame by the respondents. Other factors, however, may have been responsible for this.

Timing preferences of the transitional justice process could have been a function of individual experiences and the intensity of violence. This was evidenced by responses from the Bulawayo, Matabeleland and Midlands provinces, which pointed to a preference for a process that should begin with the violence carried out just after independence, the time when the *Gukurahundi* atrocities took place. On the other hand, respondents in the Mashonaland West and East, Harare and Manicaland provinces largely expressed preference for a process that would look at the period from the year 2000 onwards, a period that saw many of these provinces experiencing electoral violence and brutality.

This survey has demonstrated that violence did occur and that there is a need for a credible and acceptable transitional justice process in Zimbabwe. The need to rehabilitate victims of past human rights violations and to ensure a future free from violence is paramount. Many past gross human rights violations have not been addressed, and this can only encourage further polarization and disharmony in the country and may lead to more and greater violence. The recommendations of the respondents of this survey are an important stepping-stone to establishing what the people of Zimbabwe want to see in a transitional justice process that could foster true national reconciliation.

APPENDIX

TAKING TRANSITIONAL JUSTICE TO THE PEOPLE

RESEARCH SURVEY QUESTIONNAIRE

Name/Code of Enumerator: _____ Data Clerk Code: _____

Supervisor Code _____ Language of Communication: _____

Date: _____ Time (24Hr Notation) _____

SECTION A: CIRCLE THE CORRECT NUMBER

[100] Province

Bulawayo	1
Harare	2
Manicaland	3
Mash. Central	4
Mash. East	5
Mash. West	6
Mat. North	7
Mat. South	8
Masvingo	9
Midlands	10

[101] Constituency

_____

[102] District

_____

[103] Gender

Female	1
Male	2

[104] Age Group

18-30 – 20	1
31-50	2
51+	3

[105] Marital Status

Single	1
Married	2
Widowed	3
Divorced	4

Other (Specify)

_____

[106] Level of Education

No Formal Education	1
Primary Education	2
Secondary/High School	3
Tertiary Education	4

[107] Occupation

Civil Service	1
Private Sector	2
Informal Sector	3
Student	4
Unemployed	5

[108] Other Information

_____

Good day. My name is _____, representing the Zimbabwe Human Rights NGO Forum, which is a coalition of 19 human rights organisations working to promote a society that is free from organized violence and torture. We are currently conducting a national survey to obtain people's recommendations on the preferred transitional justice mechanism for Zimbabwe. Your answers or opinions will not be identified with your name in any way. Everything you say in this discussion is **confidential**. This discussion is only between the two of us here. No one will know what you would have said. This interview will take 10-15 minutes of your time . If you have any questions, please feel free to contact us on 8th Floor Blue Bridge North, Eastgate, Sam Nujoma/Robert Mugabe Road, P. O. Box 9077, Harare. You can call us on (04)250511, 772860.

Sampling Instructions

Sampling of Households

- Select the first household from the starting point towards your selected direction, i.e. N, S, E, and W.
- To select the second household, use an interval of 5, i.e. select the 6th dwelling/household.
- This means that you skip 5 households from the northern direction, if you are facing the north.
- If the settlement comes to an end and there are no more houses, turn at right angles to the right and
- Keep walking, continuing to count until finding the 6th dwelling.

Respondent Selection Procedure

Interviewers

Once a household has been randomly selected, it is your duty to randomly select a respondent. In addition, you are responsible for alternating interviews between males and females for equal representation.

"Please tell me the names (pseudo names) of all males / females [select correct gender] who presently live in this household. I only want the names of males / females [select correct gender] who are citizens of [Zimbabwe] and who are 18 years and older."

For the interviewer: Record first names only directly onto the respondent selection cards. Place the cards face down for a random draw of a potential respondent. Thereafter, destroy the cards, either by tearing or burning them in fire. The selected person, automatically qualify for the interview. If the selected person refused to be interviewed, then you leave the home and select the nth, i.e. the 6th household. If the selected respondent is not the same person that you first met, repeat the same introduction above.

SECTION B: CIRCLE AT LEAST ONE ANSWER. A QUESTION CAN HAVE MORE THAN ONE ANSWER

Instruction to the Interviewer: Do not read any of the response options given.

200. Have you ever heard of 'Transitional Justice' before?

1. Yes
2. No

201. What does it mean to you? ***(Interviewer: write in verbatim) Write N/A for those who haven`t heard about TJ and proceed to qn 202.***

_____
_____
_____
_____

202. Have you or any of your close relative been affected in past human rights abuses?

	Yes	No, ***(Interviewer, If no, to all A&B, code N/A from qns 203-207 & ask from qn 208***
A. Yourself	1	2
B. Your Close Relative	1	2

203. If yes, what was the nature of the abuses you or your close relative were involved in? ***(Multiple responses accepted)***

	A. Yourself	B. Your close relative
Killing	1	1
Rape	2	2
Torture	3	3
Assault	4	4
Destruction of property	5	5
Displacement	6	6
Intimidation	7	7
Can`t remember	8	8
Not Applicable	77	77
Other (Specify)	88	88

204. Indicate the level of involvement. ***(multiple responses accepted)***

	A. Yourself	B. Your close relative
As a victim	1	1
As a perpetrator	2	2
As a witness	3	3
As a bystander	4	4
As a accessory	5	5
Not Applicable	77	77
Other (Specify):	88	88

205. What was the result of the abuses? ***(multiple responses accepted)***

	A. Yourself	B. Your close relative
Death	1	1
Minor injury e.g beatings with no injury, slapping, detention	2	2
Major injury e.g, rape, torture, arson	3	3
Displacement	4	4
Can`t remember	5	5
Not Applicable	77	77
Other (Specify)	88	88

206. Who was responsible for the abuses? ***(Multiple responses accepted)***

	A. Yourself	B. Your close relative
Security Agents	1	1
Political Activists	2	2
Traditional Leaders	3	3
Militia	4	4
Can`t remember	5	5
Not Applicable	77	77
Other (Specify)	88	88

207. How do you feel now about the abuses? ***(only one response)***

1. I have moved on
2. I don`t care
3. I am still struggling
4. I am still bitter
5. Not Applicable

88 Other (Specify) _____

208. Do you think the perpetrators can repent? ***Interviewer, ask all respondents, it's a general question.***

1. Yes
2. Maybe
3. Never

99 I don't know

209. Do you think the victims can ever be properly healed? ***(only one response)***

1. Yes
2. Maybe
3. No
77. Not Applicable (If victim is late)
99. I don't know

210. What do you think should be done to help victims of past abuses? ***(one response only)***

1. Everyone was a victim so we must move forward
2. It was a time of crisis so they should move on
3. They must be compensated for their losses and suffering
4. The truth must be told about the abuses of the past
5. They must be prosecuted in a court of law
6. Perpetrators must ask victims for forgiveness

99. Don`t Know
88 Other (Specify)_____

211. What do you think is ***key*** to bringing about national healing, reconciliation and Integration in Zimbabwe? ***(One response only)***

1. Forgive and forget
2. Truth recovery
3. Prosecution of perpetrators
4. Revenge
5. A reparation programme
6. Setting up a Truth and Reconciliation Commission

99. Don`t Know
88 Other (Specify) _____

212. Who do you think can be ***trusted with leading*** the national healing, reconciliation and integration in Zimbabwe? ***(one response accepted)***

1. The government
2. The churches
3. Civil society
4. The Organ on National Healing Reconciliation and Integration
5. Traditional Leaders
6. An international body

99. Don`t Know
88. Other (Specify)_____

213. If victims are to be compensated, who should be responsible? ***(multiple responses accepted)***

1. The perpetrators as individuals
2. Whichever government is in power at the time of compensation
3. The political parties
4. Civil Society

99. Don`t Know
88. Other (Specify) _____

214. If we have to address the past cases of human rights abuses, how far back should we go? ***(one response)***

1. Before colonialism
2. Before independence
3. Just after independence
4. The recent past from the 90s
5. From 2008 to present

99. Don`t Know
88. Other (Specify)_____

215. Who do you blame for the abuses? ***(multiple response accepted)***

1. The perpetrators in their personal capacity
2. The victims in their personal capacity
3. The political parties: Specify _____
4. The political leadership of the country
5. International Conspiracy
6. Security Forces

99. Don`t Know
88. Other (Specify)_____

Now let's talk about elections in Zimbabwe

216. Do you agree or disagree with the following statement: It is possible for the next elections in Zimbabwe to be free and fair? ***Interviewer: Probe for strength of opinion? One response accepted***

1. Agree
2. Strongly Agree
3. Disagree
4. Strongly disagree
99. Don't know
88 Other (Specify): _____

217. What do you think is ***most important*** for free and fair elections in Zimbabwe? ***(One response)***

1. An Independent Electoral Commission
2. Reform of the Security Sector
3. Reform of Electoral Laws
4. A Democratic Constitution
5. The creation of a new voters` roll
6. Involving International observers
99. Don`t Know
88 Other (Specify)_____

218. Do you have any personal fears now pertaining to human rights violation?

1. Yes, always
2. Yes, sometimes
3. No ***-If no, code N/A on qn 219 and proceed to ask from qn 220***

219. If yes, who do you think is responsible? ***(one response accepted)***

1. The military
2. The police
3. Political Activists
4. Traditional leadership
5. Militant Youth Groups
6. Political parties: Specify_____
77. Not Applicable
88. Other (Specify)_____

220. What will you do if you are attacked? ***0ne response***

1. I will run away
2. I will fight back
3. I will report to the police
4. I will do nothing
88 Other (Specify)_____

Lastly, we will turn to discuss about the Organ on National healing and reconciliation

221. Have you ever heard about the Organ on National healing and reconciliation? I.e. the Ministry led by Sekai Holand, the late Gibson Sibanda and John Nkomo.

1. Yes
2. No ___ **(*If no, code N/A on qn 222 and proceed to ask from qn 223)***

222. If "Yes", How can you assess the performance of the Organ? *(Interviewer, Probe for strength of opinion)*

1. Performed well
2. Performed very well
3. Performed badly
4. Performed very badly
77. Not applicable
99. Don`t Know

223. Do you have any other comments regarding past human rights abuses and the future of Zimbabwe?

_____

_____

_____

224. Time Ending Interview (In 24hr Notation): _____

[300] SECTION C: ANY OTHER OBSERVATIONS

_____

_____

_____

_____

_____

Thank you so much for availing your precious time for this interview

For the Interviewer

I certify that the interview was conducted in accordance to the Institute`s agreed principles on data collection.

Signed Interviewer: _____

ABOUT THE ZIMBABWE HUMAN RIGHTS NGO FORUM

The Zimbabwe Human Rights NGO Forum (also known as the Human Rights Forum) is a coalition of nineteen human rights organizations.
The Forum has been in existence since January 1998 when non-governmental organizations working in the field of human rights came together to provide legal and psycho-social assistance to the victims of the food riots of January 1998.

The Human Rights Forum has three operational units: the Public Interest Unit, the Research Unit, and the Transitional Justice Unit.

The Human Rights Forum works in close collaboration with its member organizations to provide legal and psycho-social services to victims of organized violence and torture and to document all human rights violations, particularly politically motivated violence.

Member Organizations of the Zimbabwe Human Rights NGO Forum

Amnesty International (Zimbabwe)
Catholic Commission for Justice and Peace in Zimbabwe
Gays and Lesbians of Zimbabwe
Justice for Children Trust
Legal Resources Foundation
Media Institute of Southern Africa
Media Monitoring Project of Zimbabwe
Non–violent Action and Strategic for Social Change
Research and Advocacy Unit
Student Solidarity Trust
Transparency International (Zimbabwe)
Women of Zimbabwe Arise
Zimbabwe Association of Crime Prevention and the Rehabilitation of the Offender
Zimbabwe Association of Doctors for Human Rights
Zimbabwe Association of Human Rights
Zimbabwe Civic Education Trust
Zimbabwe Lawyers for Human Rights
Zimbabwe Peace Project
Zimbabwe Women Lawyers' Association

The Human Rights Forum can be contacted through any member organization or through:
The Executive Director, P.O. Box 9077, Harare
8th Floor Blue Bridge North, Eastgate, Harare
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International Liaison Office, 56–64 Leonard Street, London EC2A 4LT
E-mail: <IntLO@hrforumzim.com>.