BINDURA UNIVERSITY OF SCIENCE EDUCATION

FACULTY OF SOCIAL SCIENCES AND HUMANITIES



The Effectiveness of Human Rights Law and Transitional Justice Mechanisms in Addressing the 1 August 2018 Post-Election Violence in Harare, Zimbabwe.

By:

Kelton T Muraicho (B222129B)

Supervisor : Ms E Ngwerume

A Dissertation Submitted to the Department of Peace and Governance in Partial

Fulfilment for the Requirements for the Bachelor of Science Honors Degree in Peace and

Governance

May, 2026

ABSTRACT

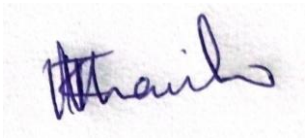
With a focus on unresolved human rights violations, limited accountability, insufficient reparations and weak institutional reforms following the violence, this study evaluated the efficacy of human rights law and transitional justice mechanisms in addressing the post-election violence in Harare, Zimbabwe, on August 1, 2018. The study focused on truth-telling, accountability, reparations, institutional reform and assurances of non-recurrence as crucial pillars for long-term peace and justice, guided by transformative justice theory. Semi-structured interviews, focus groups, and document analysis involving victims, institutional representatives, attorneys, academics, civil society organizations and community leaders were used to gather data using a qualitative case study design. Serious human rights violations, such as excessive use of force, arbitrary arrests, intimidation and violations of the right to life and security, were found. Despite being a significant truth-seeking endeavor, the Motlanthe Commission of Inquiry's recommendations were poorly carried out, leading to weak institutional accountability, inconsistent reparations, ongoing psychological trauma and restricted access to justice due to political meddling, a lack of enforcement authority and insufficient institutional independence. The study also found that concerns about future electoral violence were increased by unresolved impunity and ongoing militarization of civilian areas. The study comes to the conclusion that, even though Zimbabwe has institutional and constitutional frameworks for protecting human rights, transitional justice mechanisms are still mainly ineffective in providing victim-centered justice, meaningful accountability and long-term institutional transformation. As a result, it suggests bolstering institutional independence, guaranteeing accountability and prosecutions, encouraging victim-centered strategies, changing the security industry, and increasing civil society involvement in transitional justice procedures.

Keywords: Transitional justice, human rights law, accountability, transformative justice, Harare.

DECLARATION

I, Kelton T Muraicho (B222129B) hereby declare that this dissertation is my original work and has not been submitted and is not currently being submitted for a degree in any other University

Student Signature:

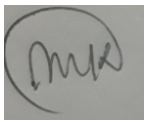


Date: 31/07/2026



Supervisor Signature:

Date: 04/09/2026

Chairperson: 

Date:

DEDICATION

This dissertation is dedicated to my family, whose unwavering support, patience and encouragement made this academic journey possible. It is also dedicated to all those committed to advancing justice, transparency and sustainable development in the governance of Zimbabwe's justice system and human rights laws.

ACKNOWLEDGEMENTS

I wish to express my sincere gratitude to my academic supervisor, for her invaluable guidance, intellectual rigor and unwavering support throughout the course of this research. Her critical insights, patience and scholarly discipline greatly shaped the depth and quality of this dissertation.

I am also indebted to the lecturers and administrative staff of the Faculty of Social Sciences, Bindura University of Sciences Education, whose academic instruction and institutional support provided a solid foundation for this study. My appreciation further extends to colleagues and peers in the undergraduate programme whose constructive discussions and shared academic experiences enriched this research journey.

Special appreciation is reserved for my family whose encouragement, sacrifices and belief in my academic pursuits sustained me throughout this demanding process. Their support provided the emotional and moral strength necessary to complete this work.

Above all, I acknowledge the Grace and Guidance of God, whose providence made this academic endeavour possible.

LIST OF ABBREVIATIONS & ACRONYMS

CBD - Central Business District

CSO - Civil Society Organisation

NGO - Non-Governmental Organisation

NPRC - National Peace and Reconciliation Commission

NTJWG - National Transitional Justice Working Group

ZDF - Zimbabwe Defence Forces

ZGC - Zimbabwe Gender Commission

ZHRC - Zimbabwe Human Rights Commission

ZRP - Zimbabwe Republic Police

LIST OF TABLES & FIGURES

Table 4.1 31
Table 4.2 32
Table 4.3 32

Table of Contents

ABSTRACT 2
DECLARATION 3
DEDICATION 4
ACKNOWLEDGEMENTS 5
LIST OF ABBREVIATIONS & ACRONYMS 6
LIST OF TABLES & FIGURES 7
CHAPTER 1 11
1.0 INTRODUCTION 11
1.1 Background of the Study 11
1.2 Purpose of the study 12
1.3 Statement of the Problem 12
1.4 Research Objectives 12
1.5 Research Questions 13
1.6 Assumptions of the study 13
1.7 Significance of the Study 14
1.8 Limitations of the study 14
1.9 Delimitations of the study 15
1.10 Definitions of the key words 15
1.11 Chapter Outline 16
CHAPTER 2 17
2.0 LITERATURE REVIEW 17
2.1 Introduction 17
2.2 Transformative Justice Theory 17
2.3 Human Rights Violations and Transitional Justice 18
2.4 Zimbabwean Context 19
2.5 Role of Civil Society 19
2.6 Impacts of Impunity 20
2.7 Strengthening Transitional Justice 21
2.8 Summary 22

CHAPTER 3 23
3.0 RESEARCH METHODOLOGY 23
3.1 Introduction 23
3.2 Research Design 23
3.3 Research Approach 24
3.4 Study Population 24
3.5 Sampling Techniques 25
3.6 Sample Size 25
3.7 Validity and Reliability of Research Instruments 26
3.8 Data Presentation and Analysis 26
3.9 Data Collection Methods 27
3.10 Ethical Considerations 27
3.11 Summary 27
CHAPTER 4 29
4.0 DATA PRESENTATION AND ANALYSIS 29
4.1 Introduction 29
4.2 Demographic Information 29
4.2.1 Demographic Distribution of Participants 30
4.2.2 Response Rate 31
4.2.3 Age Distribution 31
4.2.4 Gender Distribution 32
4.3 Nature of Human Rights Violations 32
4.3.1 Use of Excessive Force by Security Forces 32
4.3.2 Violations of the Right to Life and Security 34
4.3.3 Arbitrary Arrests and Intimidation 36
4.4 Effectiveness of Legal and Institutional Responses 37
4.4.1 Establishment of the Commission of Inquiry 37
4.4.2 Limited Implementation of Recommendations 38
4.4.3 Weak Institutional Accountability 39
4.4.4 Role of the Zimbabwe Human Rights Commission (ZHRC) 40
4.5 Victim Access to Justice, Truth, Reparations and Non-Recurrence 42
4.5.1 Access to Truth 42

4.5.2 Access to Justice 42
4.5.3 Reparations and Compensation 43
4.5.4 Psychological and Social Impact 44
4.5.5 Lack of Guarantees of Non-Recurrence 45
4.6 Measures for Strengthening Transitional Justice 45
4.6.1 Strengthening Institutional Independence 45
4.6.2 Ensuring Accountability and Prosecutions 46
4.6.3 Victim-Centred Approaches 47
4.6.4 Security Sector Reform 47
4.6.5 Strengthening Civil Society Participation 48
4.7 Chapter Summary 48
CHAPTER 5 49
5.0 SUMMARY, CONCLUSIONS & RECOMMENDATIONS 49
5.1 Introduction 49
5.2 Summary of the study 50
5.3 Summary of findings 51
5.4 Conclusions basing on objectives 51
5.5 Recommendations 52
5.5.1 Strengthening Institutional Independence 53
5.5.2 Implementation of the Motlanthe Commission Recommendations 53
5.5.3 Strengthening accountability and prosecutions 53
5.5.4 Victim centred transitional justice 53
5.5.5 Security sector reform 53
5.5.6 Strengthening civil society participation 54
5.5.7 Promotion of national dialogue and reconciliation 54
5.6 Areas for further research 54
REFERENCES 55
ANNEXURES/ APPENDICES 58
Appendices 1 Permission Letter 58
Appendices 2 59
RESEARCH INSTRUMENTS / TOOLS 59

CHAPTER 1

1.0 INTRODUCTION

1.1 Background of the Study

In order to redress past human rights crimes, guarantee accountability, foster reconciliation and stop recurrence of violence, communities employ a variety of legal and non-judicial processes known as transitional justice (TJ) (Teitel, 2000; Hayner, 2011). Criminal prosecutions, truth commissions, compensation and institutional reforms are some of these measures. Depending on political will, institutional ability and local legitimacy, transitional justice has been applied globally in nations including South Africa, Rwanda and Sierra Leone, with differing degrees of success (De Greiff & Duthie, 2020).

Transitional justice initiatives have surfaced in Zimbabwe as a result of recurrent incidents of politically motivated violence and human rights abuses. The August 1, 2018, post-election violence in Harare, where security personnel were accused of using disproportionate force against citizens is one of the most important recent events (Human Rights Watch, 2019).The government responded by creating the Motlanthe Commission of Inquiry to look into the incidents and provide recommendations for institutional reform, compensation and accountability (Motlanthe Commission, 2018). However, there are still issues with how these suggestions are being put into practice.

Harare being the nation's capital and political hub, it has seen many of the most egregious human rights abuses, ranging from forced evictions of unorganized business owners to violence during elections and large scale demonstrations. The Motlanthe Commission of Inquiry investigated the shootings of demonstrators in Harare on August 1, 2018, for instance, proposed reparations and prosecutions as part of the post election violence accountability, but its execution was sluggish. Home to civil society organizations like the National Transitional Justice Working Group, which gathers accounts from victims of political violence in 2008 and 2018 that are still waiting for compensation and strengthens their calls for responsibility. However, research indicates that public hearings have been irregular or nonexistent and victims of the violence in Harare in 2018 have not received an apology or compensation (Chidhawu, 2024). The main research problem of this study is evaluating the efficacy of human rights law and transitional justice mechanisms not only in terms of normative terms but also in their actual delivery of justice,

reconciliation and non-recurrence in a post conflict urban setting. This discrepancy between the robust legal and institutional framework on paper and the limited results on the ground highlights this issue.

Particularly under Chapter 4 of the 2013 Constitution and organizations like the Zimbabwe Human Rights Commission (ZHRC), Zimbabwe has a robust constitutional framework for protecting human rights. Nonetheless, there is still a disconnect between the law and its actual application (Hofisi, 2023; Chilunjika et al., 2022).
In order to address the post-election violence in Harare on August 1, 2018, this study evaluates the efficacy of transitional justice systems and human rights law.

1.2 Purpose of the study

The purpose of this study is to assess the effectiveness of human rights law and transitional justice mechanisms in addressing the 1 August 2018 post-election violence in Harare, Zimbabwe.

1.3 Statement of the Problem

The main problem addressed by this study can be described as the persistent gap between the strong institutional and constitutional commitment of Zimbabwe to the respect of human rights on one side and what is observed after the post-election violence occurred on August 1, 2018. As pointed out by Human Rights Watch (2019), despite the fact that Zimbabwe has legal mechanisms designed to safeguard the principles of justice, accountability and rule of law, the post-violence environment remains burdened by issues of truth-telling, acknowledgment of victims, reparations and prevention of recurrences. The establishment of Motlanthe Commission of Inquiry seemed like a breakthrough in terms of accountability. However, there is little proof of significant justice or closure for those impacted and the degree to which these recommendations have been put into practice is still debatable. According to reports from the Zimbabwe Human Rights NGO Forum (2020), victims still encounter obstacles when trying to obtain justice and sufficient compensation, which perpetuates a climate of impunity. In addition to undermining public trust in state institutions, this gap between stated legal rules and actual results raises serious questions about the general efficacy of Zimbabwe's transitional justice system and human rights legislation.

1.4 Research Objectives

1. To examine the nature of human rights violations associated with the 1 August 2018 post-election violence in Harare.

2. To assess the adequacy of Zimbabwe's human rights legal and institutional responses of the 1 August 2018 post-election violence in Harare.

3. To evaluate the extent to which victims accessed truth, justice, reparations and guarantees of non-recurrence after the 1 August 2018 post-election violence in Harare.

4. To assess the measures for strengthening transitional justice and human rights accountability in Zimbabwe after the occurrence of 1 August 2018 post-election in Harare.

1.5 Research Questions

1. What human rights violations arose from the 1 August 2018 post-election violence?

2. How effective were Zimbabwe's legal and institutional responses after the 1 August post-election violence in Harare?

3. To what extent did victims access justice, truth, reparations and non-recurrence guarantees after the 1 August post election violence events in Harare?

4. What measures can strengthen transitional justice in Zimbabwe after the 1 August 2018 post election violence events in Harare?

1.6 Assumptions of the study

Beyond the conventional concept of post-civil war contexts, the word "post-conflict" is employed in this study in a more expansive and context-specific sense. It describes the fallout from politically motivated acts of violence, instances of governmental repression and circumstances in which questions of justice and accountability are still unresolved. In this sense, Harare is not seen as a society emerging from a full-scale armed conflict, but rather as an urban environment that undergoes recurrent cycles of political tension and violence, especially during and after elections. This approach enables the study to concentrate on the long-term consequences of such violence on victims, communities and institutions as well as the difficulties in putting in place efficient transitional justice systems in an urban political setting.

1.7 Significance of the Study

The relevance of the study can be attributed to several reasons, including its broad range of contributions to the theoretical framework of transitional justice in Zimbabwe. First, it provides unique insights, which have been drawn from practical situations within the urban area in politically sensitive environments such as Harare. By critically evaluating how institutions function in reality rather than only in theory, it fills in holes in the literature. From a policy standpoint, the study provides evidence-based suggestions that can guide changes in important human rights organisations like the Zimbabwe Human Rights NGO Forum and the Zimbabwe Human Rights Commission, improving their efficacy, accountability and responsiveness to victims' needs. Additionally, by providing organisations with empirical data to support their fights for justice, truth and restitution, the study enhances civil society advocacy. Crucially, by emphasizing the difficulties, coping strategies and lived realities of impacted people who are frequently under-represented in policy discourse, it also broadens our knowledge of victim experiences in urban political violence. By doing this, the study highlights the importance of inclusive, victim-centered approaches in transitional justice procedures while also elevating the voices of victims.

1.8 Limitations of the study

There can be some potential limitations to the conclusions made in this study that will affect the scope and interpretation of the findings. Firstly, the sensitive nature of the topic, including the focus on violence after the August 1, 2018, election, makes research on the issue a problem because discussions involving political violence and governmental culpability may be not only politically sensitive but also emotionally challenging. This sensitivity is closely related to the second limitation, which is fear from participants. People may not want to reveal any information for fear of intimidation, becoming victims themselves, or facing political consequences.

In addition to this, recall bias is one factor that might affect the study since it involves people remembering past events, and hence any emotional aspect may affect their memories of these events and consequently influence the accuracy of information collected. Lastly, the qualitative nature of the study makes its findings non-generalizable because the study's outcomes are applicable only to the Harare setting, thus making them irrelevant elsewhere. Despite the abovementioned limitations, this study still provides valuable information regarding the effectiveness of the transitional justice mechanisms and human rights laws in Zimbabwe.

1.9 Delimitations of the study

This study is delimited to examining the effectiveness of human rights law and transitional justice mechanisms in addressing the 1 August 2018 post-election violence in Harare, Zimbabwe. Geographically, the study focuses specifically on Harare because it was one of the major areas affected by the violence and provides a relevant setting for examining issues of accountability, justice, reconciliation, and victim experiences.

The study is also delimited to selected participants who have relevant knowledge or experiences concerning the 1 August 2018 violence and its aftermath. These include victims and survivors, human rights practitioners, civil society representatives, legal practitioners, relevant government and human rights institutions, academics, and community leaders. The study does not seek to represent the experiences of all Zimbabweans or all victims of political violence in the country.

In terms of content, the study focuses on key transitional justice mechanisms, particularly truth-seeking, accountability, reparations, victim participation, institutional reform, reconciliation, and guarantees of non-recurrence. It also examines the role and effectiveness of relevant human rights laws and institutions, including the Constitution of Zimbabwe, the Zimbabwe Human Rights Commission, the National Peace and Reconciliation Commission, and recommendations arising from the Motlanthe Commission of Inquiry.

The study is further delimited to the period surrounding the 1 August 2018 post-election violence and its subsequent aftermath, rather than providing a comprehensive examination of all episodes of political violence in Zimbabwe. Historical cases such as Gukurahundi and the 2008 political violence may be referred to only where they provide contextual understanding of transitional justice and recurring patterns of impunity.

Finally, the study adopts a qualitative case study approach and therefore prioritises participants' experiences, perceptions, and interpretations rather than statistical measurement or nationwide generalisation. These delimitations enable the study to maintain a clear and manageable focus while providing an in-depth assessment of how effectively human rights law and transitional justice mechanisms have addressed the consequences of the 1 August 2018 violence in Harare.

1.10 Definitions of the key words

Human rights law

The term "human rights law" refers to the constitutional and legal provisions that protect fundamental freedoms as according to Dube (2021).

Human Rights Violations

Human rights violations are defined by the United Nations (2012) as actions that deprive people of their protected rights such as discrimination, arbitrary arrest or torture.

Justice

It refers to both legal and restorative processes that address wrongdoing, ensure fairness and rebuild social trust, particularly in societies emerging from political violence (Mpofu, 2022).

Post conflict society

A post conflict society is one emerging from periodic political violence, authoritarian practices and social fracture even without formal civil war whereby conditions are visible in Harare's political landscape (Dzingirai, 2023).

Reconciliation

It refers to the building trust and healing social divisions through truth telling, victim participation and acknowledgement of past abuses (Mukombachoto, 2021).

Transitional justice

Transitional justice, according to Mashingaidze (2020), is a state managed process constrained by limited political will.

1.11 Chapter Outline

There are five chapters in this study. The study's background, issue description, aims, significance and important conceptual clarifications that direct the investigation are all outlined in Chapter 1. A thorough analysis of the body of research on transitional justice and human rights is provided in Chapter 2, which highlights theoretical stances, empirical findings and research gaps. The study's methodology, including the research design, data gathering strategies, sample tactics and ethical issues is described in Chapter 3. Chapter 4 contains results from the research, which are analyzed and discussed in relation to objectives of the research and relevant existing literature. Finally, Chapter 5 summarizes the research findings and the whole study, making practical recommendations for improving transitional justice and human rights laws.

CHAPTER 2

2.0 LITERATURE REVIEW

2.1 Introduction

This chapter offers a comprehensive review of the literature that has been conducted on the topic of human rights and transitional justice, with particular emphasis placed on the situation in Zimbabwe and comparative studies from other nations. The chapter look at several key theoretical foundations of truth seeking, accountability, reparations, institutional reform and assurance of non-repetition that help support transitional justice. This chapter further evaluates the debates in the literature regarding the effectiveness of human rights laws in the post-conflict era or in politically volatile situations, with an emphasis on both achievements and limitations identified in the literature. Further, the chapter evaluates empirical studies on the response of states to political violence, focusing specifically on how the institutions involved have responded to the issues of victim reparation and justice. Through this examination of perspectives, the chapter highlights gaps in the research and sets up the foundation for analyzing the effectiveness of transitional justice in addressing the violence experienced in Harare, Zimbabwe on August 1, 2018.

2.2 Transformative Justice Theory

By dealing not only with the actual harm but also with the structural aspects of the problem that leads to political violence, the theory of transformative justice provides a useful paradigm for understanding how societies transition from situations of political violence to durable peace. As defined by Gready and Robins (2014), the model goes beyond a mere legalistic approach and focuses instead on long-term social transformation by considering the underlying factors of systemic injustice, political marginalization, and lack of good governance and inequality. Transformative justice is particularly relevant in the case of this study, as an approach by which the success of human rights laws and transitional justice mechanisms in response to the political violence occurring on August 1, 2018, following the election can be assessed through its main indicators, namely truth-telling that ensures the acknowledgment and recording of the victims' experience, reparations that attempt to remedy both the material and symbolic injuries; institutional

reform that works on strengthening good governance and preventing abuses, accountability, and guarantees of non-recurrence that attempt to prevent a repetition of previous forms of political violence.

2.3 Human Rights Violations and Transitional Justice

Transitional justice mechanisms in post-conflict societies are aimed at remedying historical human rights violations by promoting accountability, reconciliation and prevention of future violations (Teitel, 2000). To restore trust in the state institutions among its citizens, such mechanisms often include truth commissions, prosecutions, reparation, and reforms. For example, through allowing victims and perpetrators to tell their stories and thus heal historical injustices, the Truth and Reconciliation Commission in South Africa is regarded as a key transitional justice practice that significantly helped the country recover. According to scholars like Hayner (2011), although it promoted telling the truth and reconciliation processes, the truth commission did not achieve much in terms of prosecution of perpetrators, posing issues regarding justice and accountability.

In the same breath, the Gacaca courts in Rwanda were instituted to deal with the effects of the genocide that took place in 1994 through community justice practices meant to deal effectively with many cases and foster reconciliation from below. Authors such as Clark (2010) highlight problems of fairness, due process, and potential politics within this mechanism even as it contributes to the process of restoring social harmony. This analysis demonstrates that while transitional justice mechanisms may be crucial in addressing human rights abuses, their success is often dependent on finding a balance among truth, accountability, and fairness in specific circumstances.

Although Hayner (2011) and Clark (2010) provide useful insights into truth commissions and community-based justice mechanisms, most studies tend to focus on national outcomes from reconciliation processes instead of victim experiences within politically sensitive environments. Experiences of victims in urban settings, such as Harare, within transitional justice efforts after political violence committed by the state have not been well explored. This research aims at filling this gap by focusing on victim experiences in relation to the August 1, 2018 election-related violence in Harare.

2.4 Zimbabwean Context

To solve historical and current instances of human rights abuses in the country, it takes a mix of constitutional institutions, policy approaches and civil society to form the transitional justice regime in Zimbabwe. Amongst these are the Zimbabwe Human Rights Commission, whose mandate entails working for the promotion and protection of human rights under the constitutional provisions. There are other civil society organizations such as Heal Zimbabwe Trust and Zimbabwe Human Rights NGO Forum that work towards documentation of abuses, support victims and seek accountability and reforms (Moyo, 2021). In addition, the Motlanthe Commission of Inquiry was formed to investigate the issues around post election violence in August 1, 2018.

There is also controversy about the effectiveness of the transitional justice system in Zimbabwe despite the various efforts. This is because according to academics such as Ndlovu-Gatsheni and Benyera (2015), interference by politics has been known to interfere with these mechanisms thus affecting their legitimacy. Another issue that poses a challenge to these mechanisms is a huge gap between policies and practices due to weak enforcement of recommendations as well as low level of compliance from the state. Inadequacy in victim assistance mechanisms also plays a key role since most victims do not receive adequate material, legal and psychological support.

Most of the literature that has been generated on the mechanisms of transitional justice in Zimbabwe has concentrated on the mandates of such institutions like ZHRC, ZGC and etc, debates around the politics of reconciliation processes, and the constitution (Ndlovu-Gatsheni & Benyera, 2015; Moyo, 2021). However, there is not much empirical assessment of the success with which such institutions have promoted accountability, compensation, and non-repetition. Most studies consider the issues of transitional justice from a national perspective without analyzing the impact of political violence in urban settings. Through critical examination of the practical effectiveness of human rights laws and transitional justice institutions in Harare after the August 2018 violence, this study aims to fill this gap.

2.5 Role of Civil Society

In situations when official institutions may be weak, politically limited or lack public trust, civil society organizations play a crucial and diverse role in transitional justice procedures. According to Duthie (2020), these organizations make a substantial contribution by recording

violations of human rights, safeguarding evidence and making sure that victims' experiences are documented and recognized all of which are crucial for historical memory and truth-telling. Additionally, they fill in the gaps created by official state systems by directly supporting victims through campaigning for compensation, legal aid and psychosocial treatment. In addition to that, civil society actors operate as watchdogs by ensuring that the institutions and governments take responsibility by monitoring the implementation of ideas and making proposals for change in line with the international human rights standards.

The work of organizations like Heal Zimbabwe Trust and Zimbabwe Human Rights NGO Forum has been critical in documenting cases of political violence in Zimbabwe, such as post-election violence on August 1, 2018. Nevertheless, although their contribution has been important, political obstacles such as legislative measures, intimidation, and lack of access to the official process tend to weaken the impact of civil societies. This could constrain their activities and reduce their influence towards changing institutions. As a result, even though civil society has remained influential in promoting human rights and transitional justice, it tends to be affected by broader political dynamics.

The importance of civil society organizations in documenting human rights violations and seeking justice has been noted in past researches, however, there is a lack of literature examining to what extent the efforts of civil society organizations have yielded concrete results for victims. Furthermore, there is limited research on the link between accountability of institutions and civil society activism following the incidents of August 1, 2018. Through this research, which examines the influence of civil society organizations on victims' access to justice, truth, and reparations, this gap can be addressed.

2.6 Impacts of Impunity

The inability to make violators of human rights pay a price for their actions constitutes impunity, which poses grave consequences on both the victims and society in general. According to Robins (2022), impunity refers to situations where there is an absence of consequence or punishment for any misconduct and where infractions can continue due to a lack of inquiry, prosecution, or punishment on the perpetrators. One of the major implications of impunity is the perpetuation of psychological and emotional pain inflicted on victims who never get closure, recognition, or justice for the wrongs done to them. Impunity also threatens the credibility of

government structures, as people become suspicious of government institutions because of the lack of accountability.

Further, De Greiff and Duthie (2020) argue that impunity serves to marginalize and isolate the victims and communities affected by such actions. This is particularly visible in the instance of the post-election violence on August 1, 2018, whereby such issues continue to shape community relationships and political tensions. Ultimately, impunity undermines efforts towards accountability and the rule of law, obstructs transitional justice measures as well as contributes to the emergence of political violence due to lack of prevention of future violations. Not much literature exists which focuses on how the issue of ongoing impunity affects perceptions of trust, participation in politics, as well as perceptions of justice by the victims of Zimbabwean post-election violence although many researchers have acknowledged impunity as an issue in post-conflict settings. In light of this, the study fills in this research gap.

2.7 Strengthening Transitional Justice

Political will, independence of institutions and a victim-focused approach are important elements in transitional justice, as the interests and voices of the victims have to come first. Political will is necessary, according to Lambourne (2009), because without sincere state commitment, transitional justice institutions run the risk of becoming symbolic or ineffectual, with recommendations frequently going unfulfilled. Institutional independence is also crucial because, in order to maintain credibility, impartiality and public trust, organizations tasked with looking into abuses such as human rights commissions or inquiry panels must function without political intervention. Justice procedures often lose credibility and are unable to produce significant results in situations where political interests have an impact on institutions.

Furthermore, rather than being primarily motivated by governmental or political goals, a victim-centered approach guarantees that transitional justice procedures are built around the actual experiences, needs and rights of victims. This includes acknowledging their pain, providing them with psychosocial support, granting them access to restitution and allowing them to meaningfully participate in decision-making. Strengthening transitional justice in Zimbabwe in light of the post-election violence on August 1, 2018 necessitates not only formal legal and institutional reforms but also a move toward true accountability, independent oversight and inclusive procedures that rebuild dignity and trust among impacted communities.

While academics like Lambourne (2009) highlight the significance of victim-centered approaches and institutional reform, few studies have looked at doable suggestions for bolstering transitional justice mechanisms in Zimbabwe's current political climate. Research on strengthening organizations like the Zimbabwe Human Rights Commission to effectively combat politically motivated violence is still lacking. The goal of this study is to provide useful, situation-specific suggestions for enhancing Zimbabwe's transitional justice and accountability systems.

2.8 Summary

The literature on human rights and transitional justice was evaluated in this chapter, with a particular emphasis on Zimbabwe and comparable experiences around the world. Through truth-seeking, accountability, reparations, institutional transformation and assurances of non-recurrence, it was determined that transitional justice seeks to rectify historical human rights crimes. Even while nations like South Africa and Rwanda have diverse strategies, issues like poor accountability and concerns about fairness are still prevalent. In Zimbabwe, organisations like the dissolved National Peace and Reconciliation Commission, the Heal Zimbabwe Trust, the Zimbabwe Human Rights NGO Forum and the Zimbabwe Human Rights Commission are crucial in addressing human rights issues, especially in the wake of incidents like the post-election violence on August 1, 2018. However, political meddling, shoddy execution and a lack of victim assistance restrict their efficacy. Overall, the literature highlights the need for more empirical study on the efficacy of these mechanisms in Zimbabwe by demonstrating a disconnect between policy goals and actual results.

CHAPTER 3

3.0 RESEARCH METHODOLOGY

3.1 Introduction

The research approach employed in the study to assess the efficacy of transitional justice systems and human rights law in addressing the post-election violence on August 1, 2018 is presented in this chapter. It described the general research concept and methodology, as well as the techniques for data collection, analysis and interpretation. The sampling strategies used to find study participants and sources of pertinent data are also described in this chapter. It also outlined the procedures used to guarantee that the data was appropriately analysed in respect to the study objectives, as well as the data gathering techniques utilised to obtain accurate and trustworthy information. To ensure that the research was conducted in an ethical manner in line with academic practices, ethical considerations that informed the research are also discussed. Overall, this chapter forms the basis of the research by providing the methodology behind assessing the effectiveness of the transitional justice mechanisms in Zimbabwe.

3.2 Research Design

In a qualitative case study research design approach, the efficiency of transitional justice systems and human rights laws were analyzed focusing on the post-election violence that occurred on August 1, 2018. As opposed to relying on statistical data only, the qualitative case study approach allows for an extensive investigation of social and political phenomena in their authentic settings. According to Yin (2018), case studies are particularly useful when it is hard to demarcate between the phenomenon being studied and its context, as in politically sensitive cases, where there were victims involved as well as state agencies and civil societies involved.

By virtue of using this approach, the researcher explored different facets of the phenomenon of human rights, such as the victims' experience and actions taken by the organizations and agencies involved. Furthermore, this allowed the researcher to conduct an in-depth analysis of the effectiveness of human rights laws in a politically sensitive environment by focusing on the city of Harare in Zimbabwe as a distinct case.

3.3 Research Approach

The qualitative research approach employed in this research is the most ideal research design to analyze the experiences, viewpoints and interpretation of those affected and involved in the implementation of the processes of transitional justice and human rights legislation. Creswell and Poth (2018) explain that the use of qualitative research in analyzing complex issues such as political violence and post conflict justice is more appropriate since it is concerned with the interpretation of social phenomena by individuals within their natural settings. The research was therefore be able to record detailed and complicated descriptions of the victims, community members and institutional officials regarding the processes of justice, accountability and the responses of institutions in the aftermath of the election violence that occurred on August 1, 2018.

Qualitative research also made it easier to examine subjective phenomenon such as satisfaction with transitional justice processes, feelings of fairness and trust in institutions. It also enhances an understanding of transitional justice processes in terms of the perceptions of those who experienced and implemented the same through the emphasis on meanings and interpretations. This includes organizations such as ZHRC.

3.4 Study Population

Study Population is defined as the broader community comprising individuals and institutions whose information will be analyzed in order to gain insights into the effectiveness of transitional justice processes and human rights policies in relation to the election-related violence that occurred on August 1, 2018. In order to ensure that there was a comprehensive and unbiased understanding of the subject matter, the participants in the study included a range of different individuals. These included those who were victims of the violence, providing firsthand information on their needs and views regarding the institutional approach to justice. There were also members of the Zimbabwe Human Rights Commission, an institution charged with the duty of protecting human rights, thus providing an institutional perspective on how these cases were handled together with the Zimbabwe Gender Commission. Another critical part of the study population includes civil societies such as the Heal Zimbabwe Trust and the Zimbabwe Human Rights NGO Forum.

Additionally, academics offered theoretical and analytical viewpoints on transitional justice frameworks, while legal professionals offer professional insights on the implementation of

human rights law and justice procedures. Just because they represent grassroots experiences and contribute to reflecting local views of justice, reconciliation and institutional trust, community leaders are also included. Babbie (2015) asserts that a large and varied study population improves the breadth, validity and dependability of research findings, especially in qualitative studies addressing intricate social and political topics.

3.5 Sampling Techniques

In order to find and choose participants with pertinent knowledge and experience regarding human rights law and transitional justice systems in relation to the post-election violence on August 1, 2018, this study uses purposive and snowball sampling techniques. Just because it enabled the researcher to specifically choose people who were most informed about the topic such as victims, institutional officials, legal experts and civil society actors, purposeful sampling is used. Purposive sampling works well in qualitative research when the goal is to obtain in-depth knowledge rather than statistical representation, claims Patton (2015).

Additionally, snowball sampling is used, especially to reach victims and other participants who could be hard to find or reluctant to publicly identify themselves because of the delicate nature of political violence. According to Noy (2008), snowball sampling increases access to hidden or difficult-to-reach communities by having current participants recommend other possible responders to the researcher. Combining these two approaches guarantees that the study has the rich, pertinent and varied viewpoints required for a thorough analysis.

3.6 Sample Size

An estimated 30 participants make up the study's sample size, which was chosen to guarantee a fair representation of important parties engaged in or impacted by transitional justice procedures. This comprises ten victims of the violence that followed the 2018 election, whose stories offer firsthand knowledge of the effects of violence and the efficiency of legal systems. Four representatives from the Zimbabwe Human Rights Commission, who provide institutional viewpoints on human rights enforcement and monitoring, are also included. To emphasize the gender-related aspects of violence and justice, three representatives from the Gender Commission are also involved.

Moreover, snowball sampling is applied, in particular, to get hold of victims and other potential respondents who might otherwise prove to be difficult to locate or not willing to come

forward owing to the sensitive nature of political violence. As described by Noy (2008), "snowball sampling enables access to covert and hard-to-reach populations because present subjects recommend future subjects to the researcher." The use of both these sampling techniques ensures that all necessary perspectives are obtained for an effective analysis.

3.7 Validity and Reliability of Research Instruments

The validity and reliability of the research instruments were ensured to enhance the credibility and consistency of the study findings. The semi-structured interview guides, focus group discussion guides, and document analysis checklist were developed in line with the research objectives and questions and were reviewed with guidance from academic supervisors. A pilot test was also conducted to improve the clarity, relevance, and sequencing of the questions.

Validity was further strengthened through triangulation, whereby information from interviews, focus group discussions, and documentary sources such as the Motlanthe Commission Report, legislation, and human rights reports was compared. Reliability was enhanced through consistent administration of the core questions, audio-recording interviews with participants' consent, accurate transcription, and systematic organisation of research data.

The researcher also maintained field notes and records of the research process while being conscious of potential researcher bias. These measures strengthened the credibility, dependability, and confirmability of the findings and increased confidence that the results accurately reflected participants' experiences regarding the effectiveness of human rights law and transitional justice mechanisms in addressing the 1 August 2018 post-election violence in Harare.

3.8 Data Presentation and Analysis

Thematic analysis was employed in the current research for the analysis of qualitative data collected from the participants. To understand the experiences and views of the participants, thematic analysis involves identifying, organizing and interpreting patterns or themes in the data (Braun & Clarke, 2021). Data is systematically coded and categorized into themes derived from victims of the violence, Zimbabwe Human Rights Commission officials, civil societies such as Heal Zimbabwe Trust and the Zimbabwe Human Rights NGO Forum, as well as lawyers and academics. The themes help to assess problems associated with the post-election violence that occurred on 1st August 2018.

3.9 Data Collection Methods

Focus groups, semi-structured interview guide and document analysis check list are the three key data collection techniques adopted for this research. Interviews were conducted with victims, representatives of the Zimbabwe Human Rights Commission, the Zimbabwe Gender Commission, members of civil society, lawyers and academics to collect comprehensive data. The focus group discussions document shared experiences and views of the community. Document analysis focuses on key legislative provisions, findings from reports made by institutions and civil society as well as findings of the Motlanthe Commission of Inquiry linked to the violence that erupted on August 1, 2018 after the elections. The checklist will be employed to facilitate extraction of information on the roles of institutions, human rights abuses, challenges faced and lapses in implementation.

3.10 Ethical Considerations

To ensure the security, integrity and respect for the welfare of each study participant, this research is guided by several ethical considerations. The acquisition of informed consent is achieved through the provision of the specific objective of the study and the freedom of volunteering participation, which entails full understanding of the individual's rights to drop out of the study whenever he or she chooses to. Confidentiality is ensured through anonymity in naming the participants involved and safeguarding all data collected from any form of disclosure. In asking questions and ensuring that no form of harm came to participants through the research process, injury wass minimized in relation to the sensitive nature of post election violence experienced on August 1, 2018. Through proper data management techniques, data safety was enhanced to guard against any breach. Political risks have been well considered in a politically volatile environment such as Zimbabwe where there was potential danger for participants.

3.11 Summary

The research methodology that was employed to ascertain the effectiveness of the transitional justice mechanisms and human rights laws in dealing with the post-election violence on August 1, 2018. This included an explanation of the use of a qualitative case study design and methodology, thus allowing for an in-depth exploration of participants' experiences as well as an institutional perspective. In addition, the population and sampling strategies employed were also extensively explained in this chapter, particularly the use of purposive sampling and snowball sampling to obtain an appropriate sample of participants. Semi-structured interviews, focus groups,

and document analysis were mentioned as key sources for collecting reliable information. The chapter also showed how to utilize thematic analysis to methodically examine the data and find important trends pertaining to the efficacy of transitional justice. In light of the delicate political situation, ethical issues were taken into account to guarantee participant safety, anonymity and protection. Lastly, the study's shortcomings were noted, including participant fear, recollection bias, and limited generalizability. All things considered, this chapter offers a precise and well-supported methodological framework that bolsters the reliability and validity of the study's conclusions. Finally, the limitations of the study were also mentioned, which include participants' fear, memory bias, and lack of generalizability. In any case, this chapter provides a well-founded methodology that enhances the validity and reliability of this study.

CHAPTER 4

4.0 DATA PRESENTATION AND ANALYSIS

4.1 Introduction

In this chapter, the analysis of the efficiency of human rights law and transitional justice in addressing the post-election violence of 1st August, 2018 will be discussed. Data for this research has been collected through focus group discussions and interviews and therefore a complete perspective can be achieved. Human rights abuses, institutional responses, victim access to justice and strategies to reinforce mechanisms are among the major issues that are arranged in accordance with the study objectives and Transformative Justice Theory. A structured framework for evaluating efficacy is provided by metrics such truth-telling, accountability, reparations, victim participation, institutional reform, public trust and non-recurrence.

4.2 Demographic Information

Thirty one people from a variety of backgrounds including ten victims/survivors, four institutional officials from ZHRC, three Gender Commission representatives, five civil society actors, four lawyers, three academics and two community leaders, were purposefully chosen to participate in the study. Male and female volunteers were distributed very evenly, with minor variances because of availability. Various generations were represented due to the diverse ages of the participants, including younger people aged 18 years and above as well as older members of the community. Moreover, the different education levels of the participants also contributed to the credibility of the research, where most professionals would have gone beyond high school education compared to the other respondents.

4.2.1 Demographic Distribution of Participants

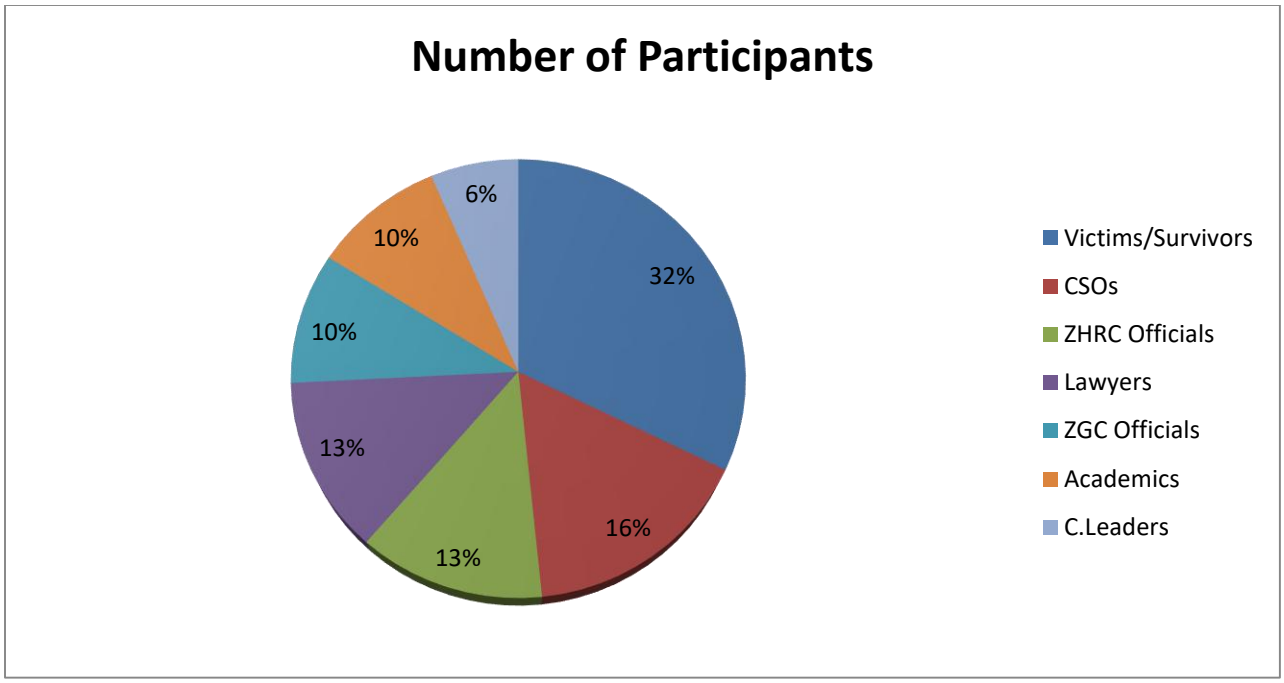


Figure 4.1

The representation of study participants is shown by the pie chart. The study was mainly based on the accounts of post-election violence experienced on August 1, 2018, because most of the respondents were victims of the situation (32% of all respondents). Civil Society Organizations made up 16% of respondents while ZHRC officials and lawyers each made 13% showing inclusion of perspectives from institutions and laws. 10% of the respondents were from academia and ZGC officials respectively, showing perspective from academic point of view and governance. Although they constituted the least number of respondents (6%), the participation of community leaders was very important in helping to understand reactions and experience of the violence. Overall, the chart shows that a variety of stakeholder groups were included in the study to guarantee thorough and impartial results.

4.2.2 Response Rate

PARTICIPANT CATEGORIES	TARGETED	RESPONDED
Victims/ Survivors	10	8
CSOs	5	3
ZHRC Officials	4	2
Lawyers for Human Rights	4	3
ZGC Officials	3	2
Academics	3	2
Community Leaders	2	1
Total	31	21

Table 4.1

The research concentrated on gathering specific experiences and viewpoints rather than statistical generalization, the response rate was deemed sufficient for a qualitative study.

4.2.3 Age Distribution

Age Group	Frequency
18-25	3
26-35	5
36-45	7

46+	6
Total	21

Table 4.2

The results indicate that the majority of participants belonged to the age groups that were involved in politics and the economy. This was significant because the violence and its aftermath had an immediate impact on these groups.

4.2.4 Gender Distribution

Gender	**Frequency**	**Percentage**
Male	9	42.9%
Female	12	57.1%
Total	21	100%

Table 4.3

A balanced viewpoint on experiences of violence, justice and institutional responses was ensured by the participation of both men and women.

4.3 Nature of Human Rights Violations

4.3.1 Use of Excessive Force by Security Forces

Findings indicate that the 1 August 2018 violence involved the use of excessive force by security forces of the security sector against civilians. Participants consistently allegedly reported that live ammunition was used against unarmed protesters, resulting in deaths and injuries.

The picture below shows military personnel firing at the civilians and protesters on 1 August, 2018 in Harare CBD. Source NTJWG (2018).



Figure 4.2

The results showed that security forces used excessive force during the post-election violence on August 1, 2018. In the Central Business District (CBD) of Harare, participants frequently reported that soldiers used live ammunition against protesters and civilians. According to respondents, a large number of civilians were escaping when security personnel opened fire. Victims described the violence of August 1 in 2018 as sudden and disproportionate.

One participant stated,

"People were running away, but the soldiers kept firing. It was not crowd control but it was a punishment instead."

Firstly, the findings indicates that the response taken by the government violated the international human rights law due to the application of force by the military. Of course under the international human rights law, emphasizes the of force where necessary and proportionate. Hence the participants mainly the survivors said that the civilians who posed no threat were part and parcel of the violence that resulted in death of 6 innocent and unarmed people and also caused brutal injuries to many.

This finding aligns with documentary evidence from the Commission of Inquiry and a video that circulated on social media that was published by someone who took it on the day of the acts, which confirmed that security forces were responsible for the shootings and also this aligns with reports by Human Rights Watch (2019), which documented the use of live ammunition against civilians in densely Harare CBD. Reports from the Motlanthe Commission of Inquiry confirmed that six civilians were killed as a result of gunshot wounds allegedly inflicted by the military personnel. The Commission also found it disproportionate and the military's subsequent actions were unjustified to the unarmed protesters or civilians.

From transformative justice perspective, it emphasizes that peace cannot achieved when state institutions are part of the violation behaviors and also remain unresolved. Therefore, the findings show that the 1 August 2018 violence events were not only about an operation that became a mistake but rather an evidence of institutions that sees coercion and repression as normal during political sensitive periods. Gready and Robins (2014), who support these findings by arguing that transitional justice, have to address the structural violence and merely not on individual acts of abuse. Basing on the events of 1 August, the shootings show the weaknesses in democratic governance, accountability mechanisms within the security sector and the civilian oversight. Lastly, the public lost its confidence in the state due to the use of excessive force. They viewed the security institutions as not the protectors of the citizens but rather be the instruments of political control. This therefore, resulted in the weakening of the legitimacy of the state institutions and deepened mistrust between the government authorities and the citizens.

4.3.2 Violations of the Right to Life and Security

According to the study, there were significant violations of fundamental human rights as a result of the violence. These included abuses of the freedom from cruel, inhuman and degrading treatment, the right to personal security and the right to life. Right to life whereby there was the

abuse of non-combatant civilians who were shot down and several were brutally injured. Reports stated that six innocent good people were killed on 1 August in 2018 and some got injured while some were beaten by the military personnel whether women or children (NTJWG, 2018).

Journalists, bystanders, passersby were reportedly assaulted and harassed by the military personnel.

Some participants also said that,

"people were fleeing once the military showed up, rather that fighting back the military personnel but hence they were targeted."

The picture is showing military personnel walloping a fearing civilian on the ground on 1 August, 2018 post election. Source NTJWG (2018).

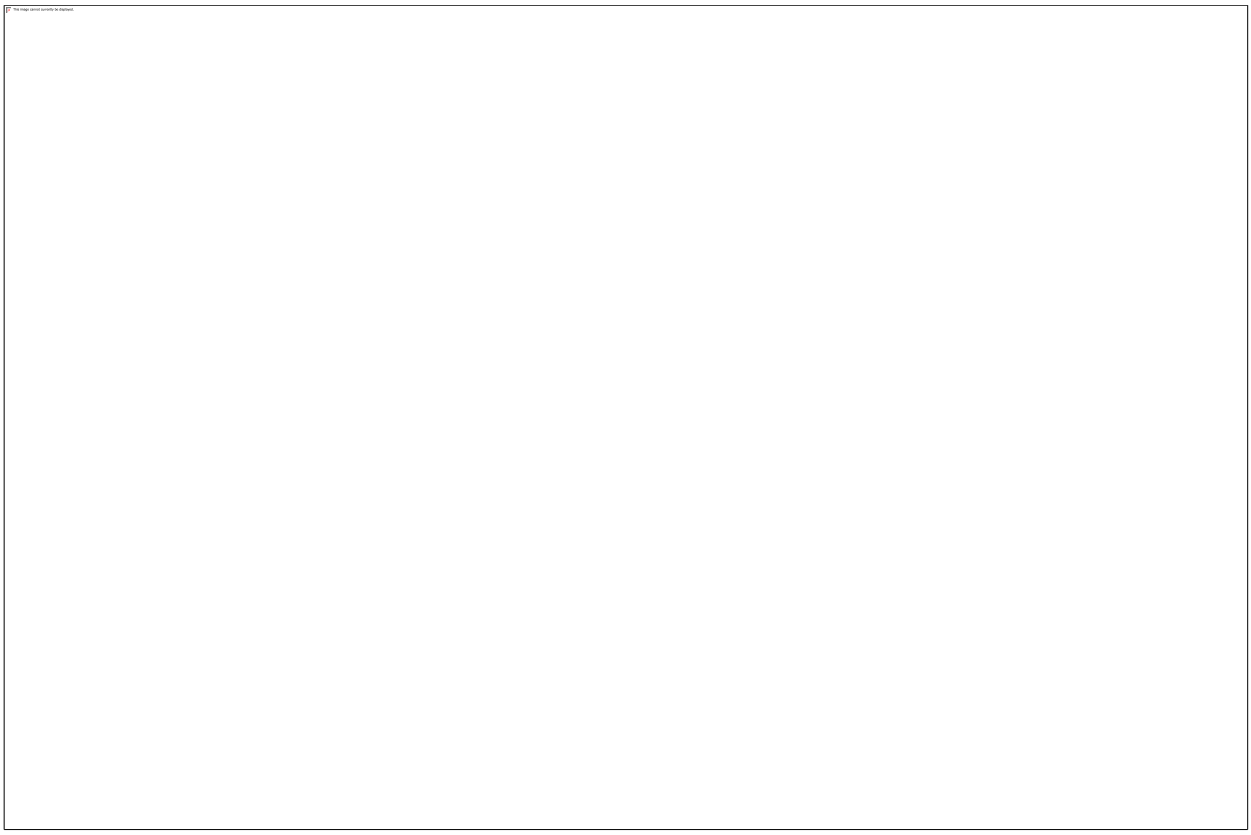


Figure 4.3

To add more, freedom from cruel, inhuman or degrading treatment such harassment of women, children and corporal punishment of the civilians by the military personnel using whips on the cilivians who were seen moving and walking around in the Harare Central Business District. Right

to security of person whereby the civilians were feeling scared of operating their day to day businesses for instance vendors, informal traders e.g Mbare, public transport operators. Victims and witnesses reported injuries, psychological trauma and long-term fear of state institutions due to loss of their relatives and friends on 1 August 2018 who were allegedly shot dead by the military personnel.

Firstly, these findings engage with transformative justice theory because the theory indicates that violence it is not only about physical violence but also structural and psychological violence. According to Robins (2022), argues that human rights violations affect the social relationships, citizen's sense of dignity and public trust. The August 1 events created long term social harm, emotional suffering, economic insecurity and public's fear in participating publicly in politics. Therefore, transitional justice has to also be used to restore dignity, healing trauma and rebuilding trust between the government and the citizens rather than only focusing on legal accountability. Moreso, the unresolved human rights violations prolongs the suffering of the social life whereby the victims have not received any support, acknowledgment or justice and the resulting in continuous trauma. Furthermore, the 1 August events highlights that the violence instilled fear to the victims and later affected their business operations, their social interactions and political participation due to the way on how political violence destabilized the social and economic life of people in Harare.

4.3.3 Arbitrary Arrests and Intimidation

Participants also stated that arbitrary arrests, intimidation, and harassment by security personnel persisted in violations following the shootings. Arbitrary arrests of suspected protesters by the police in Chitungwiza, Mbare and Harare CBD, whereby the participants said it was form of an operation that followed days after the violence of 1 August 2018 post election violence, whereby the police and military carried out arrests on the certain individuals. They were detained based on suspicion rather than evidence of wrongdoing.

One participants once said,

"I witnessed my neighbor's son being racked by the police because he was known for being part of the leadership of the opposition part."

According to the reports by Human Rights Watch (2019), hundreds of people were detained after the protests, with some reported experienced some beatings while in custody. This reflects or shows a pattern where arrests were done not for lawful enforcement mechanism but as a punishment and deterrence.

Intimidation by security agents whereby the police and the military were said to be deployed in Harare residential places to conduct door to door operations just after the protests. For instance, participants from Chitungwiza, Glen view, Kuwadzana and Highfield, said that at night, the security forces moved up and down, beating residents and warning them not to participate in future demonstrations. Therefore, this kind of intimidation created psychological coercion as the people were now in fear of further reprisals.

One participant stated,

"People were arrested simply because they were suspected of supporting the opposition."

Surveillance and harassment whereby plainclothes security agents were now monitoring the residential areas and also followed individuals suspected of political involvement. Whilst some victims also once said to be receiving threats via cellphones and also repeatedly summoned to police stations with no clear reasons. This contributed to the effect on freedom of expression and assembly to some of the participants. The results are consistent with those provided by Human Rights Watch (2019), which document cases of abuse and arrest after protests.

From the Transformative Justice approach, the violations indicate the existence of a larger structural problem related to the militarisation of the governance system and lack of accountability structures. The fact that these violations took place again on the same date in 2018 suggests that the underlying institutional problems have not been addressed. Therefore, there is need to evolve into a sustained pattern of repression and highlight structural reforms rather than isolated legal or political responses.

4.4 Effectiveness of Legal and Institutional Responses

4.4.1 Establishment of the Commission of Inquiry

Participants acknowledged the establishment of the Motlanthe Commission as a positive step toward truth-seeking. The Commission gathered testimonies and produced a report outlining

key findings and recommendations (Zimbabwe Human Rights NGO Forum, 2020). Hence, there is need for Zimbabwe to prioritize Commission of Inquiries and have a culture of sharing with the public findings of such Commission of Inquiries.

There is need for reviving the dissolved NPRC and the August 1 2018 events, should be one of the key areas of focus for ZHRC. Moreover, there is need for Zimbabwe to implement the United Nations treaties and Human Rights instruments such as the Right to the Truth. There is also need to craft legislation which protects or give immunity to those who tell their stories on conflict and human rights abuses caused by conflicts occurred in the country. However, most respondents viewed this as symbolic rather than transformative.

Therefore, the findings aligns with the TJ theory in the sense that truth telling have to contribute to the social transformation and institutional accountability. However, where truth is acknowledged without the meaningful reforms, survivors or victims may perceive justice mechanisms as performed rather than genuine. The findings further demands for stronger public engagements and national dialogue around the Commission's findings whereby the participants noted that broader public discussions could also promote reconciliation and collective acknowledgement of the past to the victims and survivors.

4.4.2 Limited Implementation of Recommendations

One of the study's main conclusions was that the Commission of Inquiry's recommendations were not entirely carried out. Prosecution of perpetrators whereby the Commission announced that the ones who were responsible for the use of excessive force, be identified and face justice. However, since then, there is still no visible accountability for the killings and abuses. These failures, on the hand shows that it might be due to the lack of independence in institutions, power dynamics and command responsibility issues and this would results to impunity persistence. Some participants label this or interpret it as a sign that those in power, are above the law and thereby weakening the justice system of Zimbabwe.

Compensation of victims whereby the Commission recommended the compensation and reparation for the victims and the families of those who were killed. For many of the victims, compensation have been unclear and inaccessible, whilst some have not received anything as of today and to some who have received it, it has been ad hoc than part of structured national

reparations programme. This therefore, have led to unforgettable consequences to victims and survivors. Materially the families of the deceased and injured continue to suffer economically such as medical assistance and loss of breadwinners. Whilst also symbolically, it shows that it is a failure by the state to acknowledge harm and take full responsibility.

Institutional reforms whereby the Commission emphasized the need to have clear clarification on the roles of the military in civilians context, improve and strengthen the mechanisms and also respect human rights standards in policing and also during crowd controls.

One legal practitioner noted,

"The report was strong, but implementation has been weak. Without action, it remains just a document."

The government should prioritize reparations and truth telling. However although prosecution is another way to deal with impunity, hence this create challenges since most perpetrators are people who are in power.

These findings align with transformative justice theory in the sense that accountability is very crucial in institutional transformation. Without justice to the perpetrators, impunity continues to persist. The findings highlight the dissatisfaction on the compensation and reparations by the state to the victims which later created a feeling in between the survivors and victims the feeling of exclusion and inequality and abandonment by the government. More so, according to Ndlovu Gatsheni and Benyera (2015), who argue that transitional justice in Zimbabwe is often weakened by political interference and poor implementation of polices. Therefore, Zimbabwe's transitional justice mechanisms were procedurally present but also weak on the other hand. For instance, before 1 August 2018, these institutions existed but they lacked the effectiveness to produce meaningful change.

4.4.3 Weak Institutional Accountability

There was little evidence of institutional accountability following the violence, according to the study whereby there was no meaningful prosecutions of security personnel since most of these perpetrators are people who are in power for instance the military personnel who were

allegedly in charge of shootings and harassing the public in the CBD of Harare on 1 August 2018 post-election.

Lack of disciplinary action to those who misconducted their duties on 1 August in 2018 mainly to the security forces who were on duty on the day of the events in Harare CBD. Internal disciplinary actions were supposed to be conducted within the security institutions. They were supposed to have internal investigations, suspensions or dismissals or have public reporting on misconduct. The participants were left without any clear outcome from what happened thereafter to the perpetrators where some interpret it as a deliberate effort or way to cover members from facing justice or accountability.

Continued impunity whereby the perpetrators are not hold accountable for what they did on 1 August 2018 and this sparks or ignites more and violations leading to similar patterns of excessive force and also continuous recurrence of intimidation in future political events. This can also lead to the erosion of public trust whereby citizens lose confidence in the security system and the justice system of Zimbabwe. Moreso, there will silencing of the victims and there will be in fear of reporting abuses knowing that no action will be taken. This reflects a gap between legal frameworks and enforcement whereby the security institutions lack independence or capacity to challenge powerful actors within the state like those who were responsible for the 1 August 2018 shootings in Harare CBD. The justice is applied selectively to certain people leading to impunity.

Transformative justice theory emphasizes that the institutions have to possess legitimacy and effectiveness whereby if they do not to enforce accountability; they will struggle to produce the meaningful transformation. Hence, therefore, the institutions those were responsible for the violation of human rights protection has to be independent.

4.4.4 Role of the Zimbabwe Human Rights Commission (ZHRC)

Participants acknowledged that the ZHRC played a role in documenting violations (abuses) and advocating for victims. According to the Constitution Act, 2013, ZHRC is a mandated body that is tasked to promote, protect and enforce human rights. However, its impact was perceived as limited due to lack of enforcement powers by the ZHRC is a major concern that the participants noted. Yes, some participants acknowledges the work of ZHRC but they condemn its lack of binding authority to prosecute perpetrators, enforce compensation and reparations and also

compile compliance with its recommendations although it can investigate and report the violations of the human rights abuses. This means that, when the violations are identified, its implementation depends on other institutions like security sector which ZHRC may lacks the political will to act.

Political constraints whereby some participants noted that perpetrators might from the powerful state institutions such as the Zimbabwe Defence Forces which would be uneasy thing to push for accountability. There might reluctance to confront these actors directly, their recommendations may be softened or ignored due to political sensitivities and inconsistence of follow ups on violations.

Resource limitations and financial capacity can be major challenges being faced by ZHRC whereby they have limited funding for nationwide investigations in the country, insufficient staff members to tackle large volumes of complaints and logistical challenges in reaching the affected communities thereby resulting in selective and delayed its impact on victims' access to justice.

Based on Transformative Justice Theory indicators, the results demonstrate tha, truth-telling has been partially achieved where there has been some success through documenting of violations and acknowledgements of abuses that occurred. The participation of the ZHRC alongside the Commission of Inquiry has contributed to establishing factual records of violence. However, truth telling has been weak in the sense that not all victims had been able to share their experiences publicly. Also limited national dialogue or public engagement with the findings and lack of official acknowledgement by full transparency or follow through.

Accountability has been weak in the sense that its mechanisms remained significantly underdeveloped. There have been no meaningful prosecutions of perpetrators, limited disciplinary action within the security institutions and lack of enforcement from ZHRC. This proves that these institutions like the ZHRC lack the ability or power or independence to act effectively.

Institutional reform has been minimal to the extent that there was little evidence of substantive reform in key institutions particularly in the security system in Zimbabwe. For instance, absence of structural changes to prevent recurrence of violations whereby it proves that underlying causes of abuse have not been addressed. This suggests that transitional justice mechanisms in this case were procedurally present but substantively ineffective.

4.5 Victim Access to Justice, Truth, Reparations and Non-Recurrence

4.5.1 Access to Truth

Victims acknowledged that the Monlanthe Commission of Inquiry helped establish a partial record of events. However, many felt that not all facts were uncovered since there is still limited exploration of who authorized the deployment of military into Harare CBD where there were unarmed civilians, still incomplete investigations pertaining the chain of command and decision making processes and lastly the clarification on the use of live ammunition was necessary or not on 1 August in 2018. Perpetrators were not fully identified since the Commission did not comprehensively identified the individual soldiers who allegedly carried out the shootings, commanders who authorized orders and either political or officials who may have influenced the response of the 1 August 2018 events.

Therefore the victims were left with no clear meaning of truth since they were able to know who was responsible since it is very essential for justice, closure and accountability about these events. Hence, transformative justice theory sees truth telling as an important tool in human rights abuses since it helps in healing and reconciliation. Victims need clarity and justice to those who were responsible for what happened on 1 August 2018 post election violence. The findings indicates that truth telling was incomplete and this led to the ineffectiveness of the truth processes whereby the commission of inquiry failed to hold the perpetrators accountable for what they have caused and provide transparency to the victims and the survivors. This is aligned by a scholar Hayner (2011), who argued that truth commissions may succeed in documenting abuses and violations but remain limited in failing to produce accountability, therefore making victims and the survivors to continue experiencing grief and mistrust.

4.5.2 Access to Justice

The findings reveal that victims of 1 August 2018 post-election violence in Harare had limited access to justice despite the existence of legal frameworks that guarantee redress whilst some avenues for justice were formally available but remained inaccessible, ineffective and intimidation of victims.

Few legal cases pursued whereby there has been minimal litigation initiated against those responsible for being party of the shootings that led to the killings and injuries of the unarmed civilians on 1 August in 2018. Lack of state support for litigation through providing legal aid to

the victims of the affected families, supporting investigations into violations trying to help the victims and ensuring cases are prosecuted efficiently and fairly. However, in this scenario, the victims were left on their own to navigate the legal system, limited investigations or even no transparent at all and also little evidence of state sponsored legal support for victims of the affected families from the August 1 events in 2018.

Fear of retaliation from the security forces since they were now being afraid of being harassed if they cooperate by reporting abuses, re arresting or targeting of themselves or their families or closest ones and also social and political consequences in their communities respectively.

One victim stated that,

"We were told to come forward, but nothing happened after that."

This draws the fact that there was disillusionment and vulnerability whereby victims are just only encouraged to engage in justice mechanisms but at the end receive no tangible outcomes thereby reinforcing mistrust to the justice system of the country.

The TJ theory deals on how justice should be, that is to be victim centred and accessible whereas many victims from the findings experienced justice processes that were distant, ineffective and intimidating. Moreover, the victims live in fear of harassment, political targeting and retaliation by the military. The findings the supports the De Greiff and Dutchie (20200 who argue that victims cannot participate fully in justice processes since the institutions are failing to provide protection and support of the civilians. Therefore, the absence of effective legal systems weakened public confidence in Zimbabwe's justice system.

4.5.3 Reparations and Compensation

Most participants reported that they had not received adequate compensation and largely unsatisfactory access to reparations despite being the central pillar of transitional justice. While some assistance was provided, it was inconsistent whereby the sort of compensation provided was in an uneven and selective manner. Some received whilst some did not even at all, no clear criterion for determining who qualified compensation and the process also lacked openness leaving some victims with the sense of uncertain on how decisions were made.

Insufficient of reparations whereby the compensation provided was inadequate in addressing the amount of harm caused. The government could not provide financial payments to the victims who were affected claiming that it was not enough to cover for medical expenses, long term care and also resulted in loss of income. More so, some victims wanted psychological support, rehabilitation or social reintegration. Whilst some victims just not only wanted financial support but rather acknowledgement and apology from the government institutions who were involved in the violation of human rights on 1 August 2018.

Transformative justice theory emphasizes reparations as the core idea in restoring dignity and recognizing victim suffering whereby reparations should include financial, symbolic, psychological and social support. The findings also show that victims and the survivors expressed the concern of acknowledgement and apology from the state and the perpetrators since it shows a sign of moral recognition. These transitional mechanisms become ineffective if the victims' needs are ignored. This indicates a failure in one of the core pillars of transitional justice and also a critical weakness in the post conflict response by the government system and the justice system thereby leading to the marginalization and exclusion of victims.

4.5.4 Psychological and Social Impact

Victims of the August 1 2018 post election violence in Harare still experience psychological and social consequences, long after physical violence that occurred in Harare CBD on 1 August 2018 ended. They resulted to the following impacts;

1. Trauma and emotional distress that is flashbacks and recurring memories of the shootings and violence whilst in Harare CBD and at home, they faced harassment from the security forces and also depression and grief for the loved ones they lost in the act or events.
2. Loss of livelihoods which played part in resulting to socio economic consequences for the victims and their families. The injured lost their ability to work either temporarily or permanent, some victims lost their breadwinners and the informal traders operating in the Harare CBD were disrupted to their businesses.
3. Continued fear of authorities such as the ZDF and other law enforcement agencies since they are now hesitant to engage in political activities or other peaceful public demonstrations. Some now live in fear of being targeted if they try to speak out about what

they experienced on 1 August 2018 post election violence and beyond and whilst some avoid to interact with the authorities in non political contexts.

Transformative justice theory shows that political violence damages individual and social relationships, hence justice processes have to address emotional healing and social reconstruction between the survivors or the victims. Robins (2022), argues that the absence of justice mechanisms has prolonged suffering and reinforced lack of accountability and continued reports of intimidation, therefore leading to mistrust between the state and the citizens and social insecurity. Generally, the findings highlights that the victims are now remained trapped between the unresolved traumas and inadequate institutional responses.

4.5.5 Lack of Guarantees of Non-Recurrence

Participants voiced fear that future elections might see a repeat of this kind of violence due to lack of accountability for the past abuses and lack of persecution or disciplinary actions on the perpetrators which would to impunity, continued militarization deployment in future elections is another fear that the victims are experiencing and that there is blurring boundary between the civilian governance and the military authority

Using Transformative Justice theory, reparations were weak in the sense that they were very insufficient and inconsistent thereby excluding the victims from the justice processes of the country. Victims' recognition was very partial although the Commission of Inquiry confirmed and acknowledged the occurrence of the August 1, 2018 post election violence. Non-recurrence which is not guaranteed because there was the absence of accountability between the victims and the perpetrators. Public trust is very low since the findings show that victims remain marginalised within the justice process, undermining the legitimacy of transitional justice mechanisms.

4.6 Measures for Strengthening Transitional Justice

4.6.1 Strengthening Institutional Independence

The necessity of bolstering the independence of organizations like the ZHRC and other justice-related bodies was emphasized by the participants. More so, independent organizations, according to respondents, would be in a better position to look into abuses free from political intervention.

Transformative justice theory stresses that the institutions must be independent that if they want to challenge abuses of power effectively since the findings highlighted that institutional dependence weakened public trust and undermined accountability processes. Independence of human rights institutions such as the ZHRC and other justice related institutions to act or operate without the external interference that is they have to conduct investigations without external approval, have the full control to publish findings and transparency and act as arbiters in political sensitive cases.

Protection from political interference whereby the participants called for clear safeguards, reduced executive influence in appointments and decision making and also strong mechanisms to prevent them from carrying out investigations like the violation of the protestors rights. In line with that, also adequate funding for covering all their technical resources and finances. These helps to conduct thorough investigations, engaging with the victims of the affected at community level and monitoring the implementations of the recommendations. Last but not least, there is need for all inclusive agenda where people from different political parties converge and air their views on how conflicts started and how they want it to be addressed. There is need for genuine public participation and engagement by authorities.

4.6.2 Ensuring Accountability and Prosecutions

Respondents stressed that although the Commission of Inquiry have documented the findings, the respondents argued that still on to date, there has not been any concrete legal consequences for the perpetrators. Perpetrators must be held accountable and face justice so as to show that and instill trust within the citizens of Zimbabwe that there is good governance and show how the justice system works. Legal action must follow investigations whereby prosecutions have to be the act of fairness after the investigations.

All in all, without accountability, impunity persists as a result of lacking prosecution to the wrong doers. Like for instance, in this scenario, respondents argued that when accountability is absent, then the security actors may feel emboldened to repeat again knowingly that they will not face prosecution. Therefore, transitional justice is meant to provide accountability and prosecution of the perpetrators which would mean that they plays a role in breaking cycles of violence restore public trust in the justice system.

4.6.3 Victim-Centred Approaches

Participants recommended that this is whereby the survivors and the affected communities are recorgnised as the core of the decision making, truth telling and reparative processes following the 1 August 2018 post election violence in Harare.

Transformative justice theory emphasizes for the victim empowerment and total participation. Inclusion of victims in decision-making by letting them talk their experiences, letting them show and narrate the harrowing experiences. Victims should be guaranteed that after showing their experiences, they will not victimized. They should tell their side of the story of what they faced and experienced on 1 august in 2018. In addition, psychosocial support is important inorder to have some counseling services for the families who lost their beloved ones on 1 august in 2018, and by having long term mental health support integrated into public health systems since they face trauma and emotional distress sometimes.

Fair compensation systems which is legally and publicly accessible, ensuring equal treatment of the victims regardless of which political affiliation or social status and lastly but not least include financial and non financial forms of reparations that is medical support, education assistance and livelihood restoration to the families and the survivors of the 1 August 2018 post election violence in Harare. Without these actions, transitional justice risks being state driven and incomplete, failing to fully address the needs and rights of those mostly affected by the 1 August 2018 post election violence.

4.6.4 Security Sector Reform

Participants noted that security institutions like the ZDF and the ZRP should operate clearly and have clearer guidelines that by respecting the human rights standards and try to reduce militarization in civilian spaces to avoid abuses and violations their rights by harassment and killings.

A key idea from the transformative justice theory perspective was the reform of security institutions to prevent excessive use of force to the civilians in particular to political sensitive events and this was to require clear operational guidelines on the actual proportional use of force, rules on the deployment of military forces in civilian settings and lastly adhere to the international human rights standards during crowd control by these institutions. Promote human rights compliance across all security institutions that are the ZDF and the ZRP. Lastly, emphasizing the

culture of professionalism and respect for the civilian life or without over sighting in security institutions, there might be the continuation of the use of excessive force or power and later leading to limited accountability.

4.6.5 Strengthening Civil Society Participation

Civil society organisations were identified as crucial actors by the respondents and participants in strengthening transitional justice processes following the events of 1 August 2018 post election violence in Harare. They said that CSOs provide more flexible community based support, and victim responsive layer of support through;

1. Advocacy for justice accountability and reform on human rights violation awareness, pressuring government institutions to implement recommendations and represent the interest of the victims in public and policy spaces.
2. Documentation of human rights abuses and violations like the 1 August 2018 post election violence. They collect testimonies from victims and witnesses, record evince during and after protests and complement official reports. Therefore, this helps to preserve alternate narratives of events and strengthen the evidentiary basis of future legal and policy events.
3. Victim support through psychosocial counseling and emotional support, legal assistance and referral services and also empowerment programs.

Transformative justice theory recognizes CSOs as an important in challenging state impunity and tries to empower communities. These recommendations align with transformative justice theory or principles, particularly structural reform, victim empowerment, prevention of future violence and this suggests that current mechanisms must evolve from symbolic processes to transformative systems. Hence, CSOs are there to bridge gaps in providing accountability, victim support, publc awareness and institutional oversight. For this to function well in an environment, the participants emphasized that the government should not overshadow their capabilities but allow its independence. Therefore, the collaboration of state institutions and civil society organisations could improve transitional justice outcomes.

4.7 Chapter Summary

The effectiveness of human rights law and transitional justice processes in resolving the violence in Harare on August 1, 2018, has been discussed and examined in this chapter. The study comes to the conclusion that although there has been some progress in speaking the truth, there

are still large gaps in institutional change, accountability, and reparations. These flaws underscore the need for more significant structural adjustments and restrict the overall efficacy of transitional justice processes.

CHAPTER 5

5.0 SUMMARY, CONCLUSIONS & RECOMMENDATIONS

5.1 Introduction

The study titled "The Effectiveness of Human Rights Law and Transitional Justice Mechanisms in addressing the 1 August 2018 Post-Election Violence in Harare, Zimbabwe" is summarized, concluded and recommended in this chapter. The chapter tackles the research objectives and questions stated in Chapter One and are based on the findings and analysis covered in Chapter Four. The study looked at the types of human rights abuses connected to the post-election violence on August 1, 2018, evaluated the effectiveness of Zimbabwe's institutional and legal responses, assessed the victims' access to justice, truth, reparations and assurances of non-recurrence and suggested ways to improve Zimbabwe's transitional justice systems. Along with drawing conclusions from the data, the chapter offers suggestions for future researchers, state institutions, policymakers and civil society organizations.

5.2 Summary of the study

The purpose of this study was to evaluate how well transitional justice procedures and human rights legislation addressed the post-election violence in Harare, Zimbabwe on August 1, 2018. The study was inspired by the persistent discrepancy between Zimbabwe's legal and constitutional obligations to protect human rights and the actual experiences of victims who still have little access to accountability, justice and compensation after the violence. Looking into the nature of these violations, assessing institutional response, analyzing victim access to justice and finding solutions for enhancing transitional justice in Zimbabwe constituted the four major objectives of the research.

The research adopted a qualitative case study approach. It made it possible for the researcher to completely understand the views and interpretation of victims, institutional actors, and NGOs. The study was able to capture complex social and political realities related to political violence and transitional justice in Zimbabwe thanks to the qualitative approach. The methods adopted for data collection included semi-structured interviews, focus groups, and document analysis. Participants of these studies included victims and survivors, officials from the Zimbabwe Gender Commission, members of the Zimbabwe Human Rights Commission (ZHRC), members of civil society, lawyers, academics, and community leaders. In order to select appropriate participants who have relevant knowledge concerning violence that occurred on August 1, 2018, the use of purposive and snowball sampling was done.

Conclusions reached by the research indicated that there were serious human rights abuses that occurred during and after the violence following the elections conducted on August 1, 2018. According to the respondents, excessive use of force by security personnel included allegations of shooting of unarmed citizens with live ammunition. There were deaths, injuries, psychological trauma, and general feelings of fear among the public due to the violence. Another finding of the research was that arbitrary arrests, intimidation, harassment and surveillance by state security agents was worse than just the shooting itself.

Moreover, even though the Motlanthe Commission of Inquiry was established by the state government in response to the atrocities committed on August 1, 2018, it was noted that all of its recommendations did not get fully implemented. There were no tangible efforts made in terms of initiating prosecutions, implementing reforms or offering adequate reparation to victims, although

this Commission contributed to partial truth-telling and documentation of the violations committed. The fact that these recommendations could not be fulfilled meant that, in the eyes of most respondents, this initiative remained purely symbolic. Similarly, organizations like the Zimbabwe Human Rights Commission helped document violations and support victims, but were limited in their effectiveness due to the absence of enforcement powers, funds and political considerations.

5.3 Summary of findings

The findings also demonstrated that victims' access to justice, the truth and compensation was restricted. Many victims believed that the truth about the events remained unfinished because those who ordered and carried out the violence were never fully identified or prosecuted, despite the fact that some victims took part in hearings and investigations. Additionally, victims reported ongoing mistrust of state institutions, lack of legal support and fear of reprisals. For many victims and survivors, reparations and compensation were uneven, insufficient and unavailable. Additionally, because the structural causes of political violence, such as impunity and militarization, had not been addressed, participants expressed concern that there were no strong guarantees of non-recurrence.

Additionally, the study identified a number of actions that could improve Zimbabwe's transitional justice system. The recommendations made by the participants included bolstering institutional independence, guaranteeing accountability and prosecutions, encouraging victim-centered strategies, reforming the security industry and boosting civil society involvement. Transformative justice theory, which emphasizes structural reform, accountability, victim empowerment and preventing future violence, was reflected in these recommendations. Overall, the results showed that although formal transitional justice and human rights institutions have been established in Zimbabwe, their efficacy is still restricted because of poor implementation, political meddling and insufficient institutional capacity.

5.4 Conclusions basing on objectives

According to the study's findings, there were major human rights violations during the post-election violence in Harare on August 1, 2018, including excessive use of force, violations of the right to life, arbitrary arrests, intimidation and psychological trauma. Many people believed that security forces were to blame for the violence and their actions were a reflection of larger structural issues with Zimbabwe's security and governance systems. Years after the events took place, the

victims' ongoing experiences of fear, trauma and mistrust show that the effects of the violence are still unresolved.

The study also finds that meaningful justice and accountability were not provided by Zimbabwe's institutional and legal responses to the violence. The Motlanthe Commission of Inquiry's creation was a significant step in the direction of truth-seeking, but its recommendations were not entirely carried out. There were insufficient reparations for victims, little institutional reform and no significant prosecutions of offenders. Due to this, the transitional justice process continued to be primarily procedural rather than transformative.

The study also finds that victims' access to justice, truth, compensation and assurances of non-recurrence was restricted. Many victims still lacked closure, acknowledgment and support despite some efforts to record violations and acknowledge the occurrence of violence. Victims' trust in the legal system was damaged by political meddling, fear of reprisals and inadequate institutional capacity, which also decreased their meaningful involvement in transitional justice procedures.

The study also comes to concludes that civil society organizations and transitional justice institutions like the ZHRC are crucial in recording abuses, supporting victims and encouraging accountability. However, their impact remains constrained by limited resources, lack of enforcement powers and political interference. Transitional justice procedures are unlikely to accomplish long-term justice, reconciliation and the avoidance of future violence in the absence of true political will, institutional independence and efficient implementation mechanisms.

Lastly, the study comes to the conclusion that legal frameworks and symbolic commissions are not enough to strengthen transitional justice in Zimbabwe. Transformative justice is important for achieving sustainable justice and reconciliation because only through reforming institutions, victim-oriented policies, offender accountability, and participation by civil society and affected communities can real change be brought about. Due to its stress on the importance of dealing with the underlying reasons of violence, transformative justice is still applicable today.

5.5 Recommendations

The following suggestions are put forth in light of the study's results and conclusions;

5.5.1 Strengthening Institutional Independence

Institutional independence, especially for bodies such as the Zimbabwe Human Rights Commission, which address issues concerning justice, should be strengthened. In order for any organization to conduct a credible investigation into the violation of human rights, the body must have full institutional independence. The appointment of members must be made through a process of integrity.

5.5.2 Implementation of the Motlanthe Commission Recommendations

The Motlanthe Commission of Inquiry's recommendations must be fully implemented. This entails paying victims' compensation, prosecuting those who commit unlawful killings and abuses and implementing institutional changes meant to stop similar crimes in the future. Failure to implement these recommendations continues to reinforce impunity and weaken public confidence in the justice system.

5.5.3 Strengthening accountability and prosecutions

There is need for independent investigations and prosecutions of individuals responsible for the violence regardless of political or institutional position. The justice system should demonstrate impartiality and commitment to the rule of law by ensuring that no one is above the law. Accountability mechanisms should also include disciplinary measures within security institutions.

5.5.4 Victim centred transitional justice

The government and transitional justice institutions should adopt victim centred approaches that prioritise the needs, dignity and participation of victims and survivors. In the processes of truth-telling, compensation and reconciliation, victims ought to take an active role. Comprehensive support programmes should also be introduced, including psychosocial counselling, medical assistance, livelihood support and long-term rehabilitation services.

5.5.5 Security sector reform

In order to improve professionalism, accountability and respect for human rights, the Zimbabwe Republic Police and Zimbabwe Defence Forces should undergo institutional reforms. The use of force during protests and crowd control should be governed by explicit operational guidelines. Additionally, ongoing training on international human rights norms and constitutional rights should be provided to security personnel.

5.5.6 Strengthening civil society participation

In their endeavors to record abuses, defend victims and encourage accountability, civil society organizations ought to be assisted and shielded. The government ought to establish a more democratic and transparent atmosphere that permits civil society organizations to function autonomously without hindrance or intimidation. Cooperation between civil society and state institutions can improve the results of transitional justice.

5.5.7 Promotion of national dialogue and reconciliation

In order to discuss historical violence and potential avenues for reconciliation, inclusive national dialogue processes involving victims, civil society, political players, traditional leaders and state institutions are necessary. Truth-telling, admitting wrongdoing and a shared commitment to nonviolence and democratic governance should all be promoted by such discourse.

5.6 Areas for further research

The effectiveness of human rights legislation and transitional justice systems in resolving the post-election violence in Harare on August 1, 2018, was the particular focus of this study. Future research could concentrate on:

1. Studies comparing Zimbabwe's rural and urban transitional justice systems.
2. The long term socioeconomic and psychological consequences of political violence on survivors and victims.
3. The part played by women and young people in Zimbabwe's peacebuilding and transitional justice processes.

REFERENCES

Babbie, E. (2015). *The practice of social research* (14th ed.). Cengage Learning.

Bindura University of Science Education. (2020). *Research guide for undergraduate dissertations*. Department of Peace and Governance.

Braun, V., & Clarke, V. (2021). *Thematic analysis: A practical guide*. SAGE Publications.

Chidhawu, T. (2024). Transitional justice and victim compensation in Zimbabwe. Journal of African Governance and Development, 12(1), 45–60.

Chilunjika, A., Dzimiri, P., & Masiya, T. (2022). Human rights protection and constitutional implementation in Zimbabwe. African Journal of Public Affairs, 13(2), 89–104.

Clark, P. (2010). *The Gacaca courts, post-genocide justice and reconciliation in Rwanda: Justice without lawyers.* Cambridge University Press.

Constitution of Zimbabwe Amendment (No. 20) Act, 2013.

Creswell, J. W., & Poth, C. N. (2018). *Qualitative inquiry and research design: Choosing among five approaches* (4th ed.). SAGE Publications.

De Greiff, P. (Ed.). (2006). *The handbook of reparations*. Oxford University Press.

De Greiff, P., & Duthie, R. (2020). *Transitional justice and development: Making connections*. Social Science Research Council.

Dube, B. (2021). Human rights law and constitutionalism in Zimbabwe. Zimbabwe Law Review, 8(1), 22–39.

Duthie, R. (2020). Civil society and transitional justice processes. International Journal of Transitional Justice, 14(3), 410–428. https://doi.org/10.1093/ijtj/ijaa012

Dzingirai, V. (2023). Political violence and post-conflict societies in Zimbabwe. African Conflict and Peacebuilding Review, 13(1), 77–95.

Gready, P., & Robins, S. (2014). From transitional to transformative justice: A new agenda for practice. International Journal of Transitional Justice, 8(3), 339–361. https://doi.org/10.1093/ijtj/iju013

Hayner, P. B. (2011). *Unspeakable truths: Transitional justice and the challenge of truth commissions* (2nd ed.). Routledge.

Heal Zimbabwe Trust. (2019). *Post-election violence and citizen experiences in Zimbabwe*.

Hofisi, C. (2023). Constitutionalism and the protection of human rights in Zimbabwe. Journal of Human Rights Practice, 15(2), 134–150.

Human Rights Watch. (2019). *Zimbabwe: Soldiers used excessive force after elections*. https://www.hrw.org

International Center for Transitional Justice. (2021). *What is transitional justice?* https://www.ictj.org

Lambourne, W. (2009). Transitional justice and peacebuilding after mass violence. International Journal of Transitional Justice, 3(1), 28–48. https://doi.org/10.1093/ijtj/ijn037

Mashingaidze, T. (2020). Transitional justice and political will in Zimbabwe. African Journal of Peace and Conflict Studies, 5(2), 55–71.

Moyo, S. (2021). Civil society and transitional justice in Zimbabwe. Journal of Southern African Studies, 47(4), 601–618.

Motlanthe Commission. (2018). *Report of the Commission of Inquiry into the 1 August 2018 post-election violence*. Government of Zimbabwe.

Mpofu, N. (2022). Justice, reconciliation and post-conflict recovery in Zimbabwe. Peace and Governance Review, 10(1), 90–108.

Mukombachoto, R. (2021). Reconciliation and social healing in Zimbabwe. African Journal of Transitional Justice, 6(1), 40–57.

National Transitional Justice Working Group. (2018). *Report on the 1 August 2018 post-election violence in Zimbabwe*.

Ndlovu-Gatsheni, S. J., & Benyera, E. (2015). Transitional justice in Zimbabwe: A new era or old challenges? African Conflict and Peacebuilding Review, 5(2), 1–25.

Noy, C. (2008). Sampling knowledge: The hermeneutics of snowball sampling in qualitative research. International Journal of Social Research Methodology, 11(4), 327–344. https://doi.org/10.1080/13645570701401305

Patton, M. Q. (2015). *Qualitative research & evaluation methods* (4th ed.). SAGE Publications.

Robins, S. (2022). *Transitional justice as everyday justice*. Cambridge University Press.

Teitel, R. G. (2000). *Transitional justice*. Oxford University Press.

United Nations. (2012). *Human rights indicators: A guide to measurement and implementation*. United Nations Office of the High Commissioner for Human Rights.

United Nations Human Rights Council. (2019). *Report on post-election violence and human rights concerns in Zimbabwe*.

Yin, R. K. (2018). *Case study research and applications: Design and methods* (6th ed.). SAGE Publications.

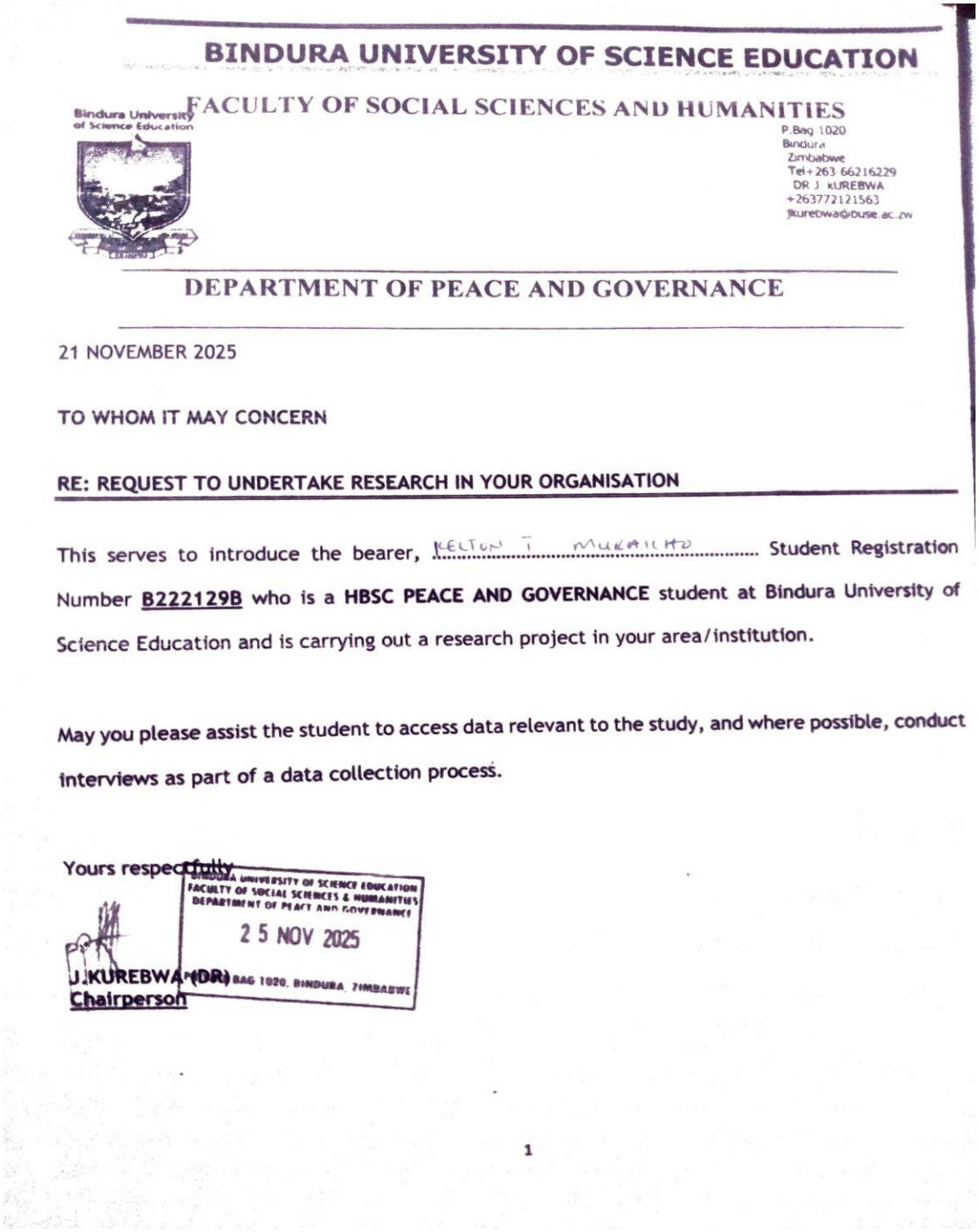
Zimbabwe Human Rights Commission. (2019). *Annual report on human rights in Zimbabwe*.

Zimbabwe Human Rights NGO Forum. (2020). *Transitional justice and accountability in Zimbabwe: Post-election violence report*.

Zimbabwe Lawyers for Human Rights. (2019). *Human rights violations following the 1 August 2018 protests*.

ANNEXURES/ APPENDICES

Appendices 1 Permission Letter



BINDURA UNIVERSITY OF SCIENCE EDUCATION

FACULTY OF SOCIAL SCIENCES AND HUMANITIES

P.Bag 1020
Bindura
Zimbabwe
Tel+263 66216229
DR J KUREBWA
+263772121563
jkurebwa@buse.ac.zw

DEPARTMENT OF PEACE AND GOVERNANCE

21 NOVEMBER 2025

TO WHOM IT MAY CONCERN

RE: REQUEST TO UNDERTAKE RESEARCH IN YOUR ORGANISATION

This serves to introduce the bearer, KELTON T MUKAICHA ..... Student Registration Number **B222129B** who is a **HBSC PEACE AND GOVERNANCE** student at Bindura University of Science Education and is carrying out a research project in your area/institution.

May you please assist the student to access data relevant to the study, and where possible, conduct interviews as part of a data collection process.

Yours respectfully

BINDURA UNIVERSITY OF SCIENCE EDUCATION
FACULTY OF SOCIAL SCIENCES & HUMANITIES
DEPARTMENT OF PEACE AND GOVERNANCE
25 NOV 2025
P BAG 1020, BINDURA, ZIMBABWE

J.KUREBWA (DR)
Chairperson

1

Appendices 2

RESEARCH INSTRUMENTS / TOOLS

Semi-Structured Interview Guide for Victims/Survivors

Purpose

To gather firsthand experiences regarding the 1 August 2018 violence, access to justice, reparations, and perceptions of transitional justice mechanisms.

Key Interview Questions

1. Can you describe your experience during the 1 August 2018 violence?

2. What type of harm or violation did you suffer?

3. Did you report the incident to any authority or institution?

4. Were you satisfied with the response provided?

5. Did you receive any form of compensation or support?

6. What challenges did you face in seeking justice?

7. Do you believe the government adequately addressed the violence?

8. What changes should be made to improve justice and accountability?

Semi-Structured Interview Guide for Zimbabwe Human Rights Commission & Zimbabwe Gender Commission Officials

Purpose

To assess institutional responses, implementation of recommendations, and challenges in protecting human rights.

Key Questions

1. What role did your institution play after the 1 August 2018 violence?

2. What measures were taken to investigate human rights violations?

3. How effective were the interventions?

4. What challenges affected implementation?

5. Were victims adequately assisted?

6. How can transitional justice systems be strengthened in Zimbabwe?

Interview Guide for Civil Society Organisations (NGOs)

Target Participants

Heal Zimbabwe Trust

Zimbabwe Human Rights NGO Forum

Human rights activists

Key Questions

1. What role did your organisation play after the violence?

2. What forms of support were provided to victims?

3. Did the government cooperate with civil society efforts?

4. What challenges affected justice delivery?

5. How effective was the Motlanthe Commission?

6. What recommendations do you propose?

Interview Guide for Legal Practitioners

Purpose

To examine legal accountability, prosecutions, constitutional protections, and access to justice.

Key Questions

1. How effective were Zimbabwe's laws in addressing the violence?

2. Were perpetrators held accountable?

3. What legal gaps exist within the justice system?

4. How accessible was justice to victims?

5. Were constitutional protections adequately enforced?

6. What reforms are necessary?

Interview Guide for Academics

Purpose

To obtain theoretical and policy perspectives on transitional justice.

Key Questions

1. How do you assess Zimbabwe's transitional justice framework?

2. What lessons can Zimbabwe learn from other countries?

3. How effective was the Motlanthe Commission?

4. What institutional reforms are necessary?

5. How can non-recurrence of violence be ensured?

Focus Group Discussion (FGD) Guide for Community Leaders and Community Members

Purpose

To collect collective community perceptions regarding justice, reconciliation, and institutional trust.

Focus Group Questions

1. How did the violence affect the community?

2. Did community members receive justice?

3. What role did local leaders play?

4. How effective were government responses?

5. Has reconciliation occurred within the community?

6. What should be done to prevent future violence?

Document Analysis Checklist

Documents to Analyse

Motlanthe Commission Report

Zimbabwe Constitution (2013)

Human Rights NGO reports

Zimbabwe Human Rights Commission reports

Court judgments

Newspaper articles

International human rights reports

Checklist Areas

Area of Analysis	**Key Focus**
Human rights violations	Type and extent of abuses
Accountability measures	Investigations and prosecutions
Reparations	Compensation and victim support
Institutional reform	Policy and legal reforms
Non-recurrence guarantees	Prevention mechanisms
Challenges	Political interference, implementation gaps