

**THE OPPOSITIONAL ARCHIVE IN ZIMBABWE: THE CASE OF THE  
GUKURAHUNDI MASSACRE**

NOKUTHULA DORCAS ZINYENGERE

A research report submitted to the Faculty of Humanities, University of the Witwatersrand, Johannesburg, in partial fulfilment of the requirements for the degree of Master of Arts in Heritage Studies.

July 2011

## **DEDICATION**

To my parents

## **DECLARATION**

I declare that the content of this project is my original work unless otherwise acknowledged or referenced. It has not been previously submitted for any diploma, degree or examination at this University or any other learning institution. It is being submitted for the degree of Master of Arts at the University of the Witwatersrand, Johannesburg, South Africa.

---

**N.D. Zinyengere**

\_\_\_\_ day of \_\_\_\_\_

## **ACKNOWLEDGEMENTS**

My deepest gratitude goes to my supervisors Prof Cynthia Kros, Mathias Fubah Alubafi and Michele Pickover for their patient corrections, suggestions and encouragement, throughout the time this research report was prepared.

Many thanks also go to all the people I interviewed. I would also like to thank my parents for their encouragement and support, and for all the sacrifices they have made to bring me to this stage. Finally, my deep appreciation goes to my brothers Nkosinathi, Nkulumo and colleague Deigratia, for always inspiring and believing in me.

## **ABSTRACT**

This report will examine the operations of the National Archives of Zimbabwe, the National Archives of Zimbabwe Act of 1986 (Chapter 25:06), current legislation on access of official records and other factors that prevent access to official records such as those on the Gukurahundi massacre. The report also examines what the Gukurahundi massacre was about, and how we know what we know about the massacre. The research report suggests that the government of Zimbabwe should liberalise access to all government records, and that archival legislation and record surveys be reviewed in order to ensure better service delivery. It further suggests that the Gukurahundi massacre be included in school curricula, because it is an important aspect of the nation's heritage.

## TABLE OF CONTENTS

<b>CHAPTER ONE</b> .....	1
1.0 HISTORICAL BACKGROUND TO THE RESEARCH REPORT .....	1
1.1 Introduction.....	1
1.2 Aims/Objectives.....	2
1.3 Rationale .....	2
1.4 Literature Review.....	3
1.5 Methodology .....	12
Note on Interviews.....	13
<b>CHAPTER TWO</b> .....	15
2.0 THE NATURE OF THE NATIONAL ARCHIVES ACT OF ZIMBABWE .....	15
2.1 Introduction.....	15
2.1 The National Archives of Zimbabwe Act.....	15
2.3 Conclusion .....	23
<b>CHAPTER THREE</b> .....	25
3.0 FACTORS THAT IMPACT ACCESS TO OFFICIAL RECORDS IN ZIMBABWE.....	25
3.1 Introduction.....	25
3.2 The National Archives of Zimbabwe.....	25
3.2.1 Records Centre.....	26
3.2.2 Research and Public Archives .....	29
3.2.3 Library.....	29
3.2.4 Banned Books .....	31
3.2.5 Technical.....	31
3.3 Access to Information and Protection of Privacy Act [Chapter 10:27] .....	32
3.3.1 Right to Information .....	33
3.3.2 Fees for Access to Records and Related Services by the Public Body.....	33
3.3.3 Protection of Information whose Disclosure will be Harmful to the Law Enforcement Process and National Security .....	35
3.3.4 Protection of Information Relating to Personal or Public Safety .....	36
3.4 Official Secrets Act [Chapter 11:09] .....	37
3.5 Public Order and Security Act [Chapter 11:17].....	38
3.5.1 Publishing or Communicating False Statements which are Harmful to the State .....	38
3.5.2 Undermining the Authority of the President.....	38
<b>CHAPTER FOUR</b> .....	41
4.0 THE OPPOSITIONAL ARCHIVE IN THE SHAPE OF THE CATHOLIC COMMISSION REPORT.....	41
4.1 Introduction.....	41
4.2 Gukurahundi massacre.....	41
4.3 Artists Exhibition Blocked by the State.....	49
4.4 The right to truth .....	51
4.5 Conclusion .....	54
<b>CHAPTER FIVE</b> .....	56

5.0 WHAT IS ACCESSIBLE IN THE SOUTH AFRICAN ARCHIVES THAT REFERS TO THE MASSACRE .....	56
5.1 Introduction.....	56
5.2 The South African History Archive.....	56
5.3 Zenzo Christopher Nkobi.....	57
5.4 Zenzo Nkobi Collection on Gukurahundi.....	57
5.5 Conclusion .....	67
<b>CHAPTER 6.....</b>	<b>68</b>
6.0 SUMMARY AND CONCLUSIONS .....	68
6.1 Introduction.....	68
6.2 Summary .....	68
6.3 Conclusions.....	69
6.4 Suggested Way Forward.....	69
<b>REFERENCES.....</b>	<b>71</b>
<b>APPENDIXES .....</b>	<b>77</b>
<b>INTERVIEWS.....</b>	<b>79</b>

## LIST OF FIGURES

Figure 1: National Archives Request for Records Form .....	27
Figure 2: Article on Owen Maseko News Day September 14 2010.....	51
Figure 3:© Zenzo Nkobi 1980 (South African Historical Archives) .....	58
Figure 4: © Zenzo Nkobi 1980 (South African History Archive).....	59
Figure 5: © Zenzo Nkobi 1980 (South African History Archive).....	60
Figure 6: © Zenzo Nkobi 1980 (South African History Archive).....	61
Figure 7: © Zenzo Nkobi 1980 (South African History Archive).....	61
Figure 8: © Zenzo Nkobi 1980 (South African History Archive).....	62
Figure 9: © Zenzo Nkobi 1980 (South African History Archive).....	63
Figure 10: © Zenzo Nkobi 1980 (South African History Archive).....	64

## ACRONYMS

<b>AIPPA:</b>	Access to Information and Protection of Privacy Act
<b>ANC:</b>	African National Congress
<b>BLPC:</b>	Bulawayo Legal Projects Centre
<b>CCJP:</b>	Catholic Commission for Justice and Peace
<b>CIO:</b>	Central Intelligence Organisation
<b>FAIA:</b>	Freedom of Access to Information
<b>ICTs:</b>	Information Communication Technologies
<b>LCFHR:</b>	Lawyers' Committee for Human Rights
<b>LRF:</b>	Legal Resources Foundation
<b>NARSSAA:</b>	National Archives and Records Service South Africa Act
<b>NAZ:</b>	National Archives of Zimbabwe
<b>NGO:</b>	Non Governmental Organisation
<b>NWC:</b>	National Waste Collection
<b>OFSA:</b>	Official Secrets Act
<b>POSA:</b>	Public Order and Security Act
<b>PPA:</b>	Printed Publications Act
<b>SAHA:</b>	South African History Archive
<b>UTPs:</b>	Unofficial Truth Projects
<b>ZANU (PF):</b>	Zimbabwe African National Union Patriotic Front
<b>ZANLA:</b>	Zimbabwe African National Liberation Army (armed wing of ZANU-PF)
<b>ZAPU:</b>	Zimbabwe African People's Union
<b>ZIPA:</b>	Zimbabwe's People's Army
<b>ZIPRA:</b>	Zimbabwe African People's Revolutionary Army (armed wing of ZAPU)
<b>ZCBC:</b>	Zimbabwe Catholic Bishops' Conference
<b>ZimRights:</b>	Zimbabwe Human Rights Association

## **CHAPTER ONE**

### **1.0 HISTORICAL BACKGROUND TO THE RESEARCH REPORT**

#### **1.1 Introduction**

My interest in the topic of this report dates back to my childhood years. Although I was originally from Mashonaland, I grew up in Matabeleland, home to the Ndebele. Whilst growing up, I noticed that my Ndebele peers were ‘tribalistic’. They accepted me just because I grew up in their town and could speak their language, and shared some of their interests such as participating in communal activities. As I matured, my Ndebele peers’ attitude continued to cause me to ponder, and I kept on asking myself if there was a problem between the Ndebele and the Shonas. It turned out that the reason for their behaviour was the Gukurahundi massacre that led to the death of over twenty thousand people, and the resultant huge economic losses for Matabeleland and the Midlands. Although the massacre ended with the signing of a unity accord between the Zimbabwe African National Union Patriotic Front (ZANU) and Joshua Nkomo’s Zimbabwe African People’s Union (ZAPU) in 1987, differences continued between the Ndebele and the Shona. The Ndebele for example, are still bitter about the massacre and, as a result, are unwelcoming towards the Shonas.

Despite these marked differences and the importance of the Gukurahundi massacre to the history of Zimbabwe, the massacre is not included in the history syllabus. As a result, most Zimbabweans - especially my Mashonaland peers - are growing up with an incomplete knowledge of their history. Also, archives which are meant to collect, preserve and make information of this nature available to the public, are not helping the situation. The Act governing archives in Zimbabwe limits access to documents which are of interest to the public, such as those about the massacre. There has been a rigorous effort to collect data on the massacre by oppositional archives, but it has not made its way into the official narrative. This, however, is not surprising, given the current regime’s bias and given the fact that the National Archive of Zimbabwe is run and funded by the state. By oppositional archive, in this report I mean an

archive that stands on its own and resists a one sided view of history. It is an archive which tells the unknown history of Zimbabwe which is not included in the official narrative. For this report, I have used the publication by The Catholic Commission for Justice and Peace in Zimbabwe and the Legal Resources Foundation entitled *Gukurahundi in Zimbabwe, A Report on the Disturbances in Matabeleland and the Midlands 1980-1988* as the main study because it is the only oppositional archive of its kind. This study therefore aims to examine the Act governing the archives in Zimbabwe in relation to the Gukurahundi massacre.

## **1.2 Aims/Objectives**

This report argues that it is important to locate the Gukurahundi massacre in the history of Zimbabwe. However, it is extremely difficult to locate the official archive on the massacre and I endeavour to discover whether this is because of the organisation of the archive or because of relevant legislation. I also intend to explore the oppositional archive, published by the Catholic Commission for Justice and Peace in Zimbabwe and the Legal Resources Foundation for various reasons which I plan to demonstrate it does not satisfy the public's appetite because it is incomplete. The evidence is partially convincing and has been suppressed, it is not recognised officially.

## **1.3 Rationale**

A patriotic history has been pioneered in Zimbabwe through state-controlled media such as television, military camps and school history textbooks. In pioneering the so-called patriotic history, little or no attention has been paid to some important episodes that require attention, such as the Gukurahundi massacre in the 1980s. A gap therefore exists in Zimbabwe's patriotic history, as presented to the public. Patriotic in this sense means bad in the service of mindless nationalism government controlled propaganda. In Terence Ranger's (2004) work, he argues for a distinction between the notion of a 'patriotic' history, and that of a nationalist history which in his sense is good and makes Africans feel proud of their history. According to Ranger, nationalist history is 'historiography' that celebrates aspiration and modernization, as well as resistance; it brings unity to the nation, while patriotic history is one that resents the 'disloyal' questions raised by historians of nationalism. It is often narrow and one sided and has been created to promote a dominant party. A patriotic history also considers as irrelevant any history that is not political (Ranger, 2004:218). Bearing on Ranger's ideas on that of patriotic and

nationalist history, Robert Mugabe - president since 1980 - relies on patriotic history as an important way to keep his party in power: the Gukurahundi massacre is not considered in Zimbabwe as being part of the patriotic history, and the ruling party ZANU-PF does not consider it nationalist history either. Patriotic history is serving the interests of the dominant party and not necessarily that of the nation as a whole. It is important to establish why it is so hard to get hold of an alternative history that would modify or challenge patriotic history.

## 1.4 Literature Review

### 1. Archival Literature

The report deals with issues of access to the archival records of the Gukurahundi massacre records. Access can be defined as the ability to find relevant information through the use of indexes, finding aids and other tools. It can also be seen as being given permission to view and retrieve information within the established laws of an archive or a country.

There are a number of scholars who have identified problems in the creation and keeping of archival records and there are numerous debates between scholars about the best way to create and keep archives. One such author is Ellis who is representative of a body of critical work on the archive. In her book entitled *Keeping Archives*, she speaks about how to introduce or operate successful archival programmes in various organisations, because without them archives would not be able to carry out their duties correctly and efficiently. Ellis's book deals with the technological changes that are being used to house important information in the archive, so that it extends into the everyday environment. The book is about the role of the archivist in decision-making and in deciding what serves 'the society', and also about the wide variety of archival materials and methods – e.g. the archival principles of provenance and original order. The principle of provenance is associated with the concept of '*respect des fonds*' (Ellis, 1999:10), meaning respecting the integrity of the whole body of records of continuing value, of an organisation or individual.

The principle of original order entails keeping records in the order in which they were received when they were created or used, and does not allow for rearrangement. The principle of original order may be problematic since rearrangement and organisation of the material might be

necessary if the materials are received in disarray. But, as Mckemmish (1999) notes, rearranging may mask the evidence provided by their original arrangement. In her opinion, keeping records in their original order allows for access to using their own indexes and registers, but using the collections' own indexes and notes may render the whole thing disordered. It appears that there are clear-cut principles, but in practice it is often more difficult and a huge responsibility falls on the archivist who must make the important decisions.

Ellis also notes that there is a huge portion of archival material that is destroyed because of space constraints. In accordance with this view, Mckemmish (1999) has pointed out that the number of records that are preserved is determined by the resourcing levels. In her opinion, the increasing quantities of records that are being created bring about costs that are associated with preservation and future use. Through this statement, one may believe that Mckemmish is justifying the destruction of records; however, she argues that appraisal of records to identify which ones to preserve relate to relative and not absolute values (Ellis, 1999). Ellis' book was fundamental to this research, because it helped explain why records should be kept, and also defined what the archivist's aims are when dealing with collections. The "archivists transmit knowledge and experience of past and present human interaction to present and future generations through identifying, documenting, and preserving data for society's use" (Ellis, 1999:2). However transmitting knowledge may be problematic because in practice there are constraints on the archivist's ability to carry out these intentions, like space constraints but also the archivist makes decisions about what is important to preserve and what is not is often informed by individual taste or ideology. Ellis makes some propositions about the archivist's work but in practice it is often very much more complex. Ellis' work helped in informing this study on archival practices in Zimbabwe.

Recently the archive has come under radical criticism, perhaps most famously from Jacques Derrida who could be read as saying that the archive is an unattainable project. However some archival scholars have chosen to read Derrida selectively looking for the constructive points he makes in relation to the archives not accepting them at face value, understanding the way in which materials are created and given access to the public or not. One such scholar is Cook (2001). Cook (2001) concedes that Derrida's work is important because it serves as a reminder to

archivists about the nature of their responsibilities. He points out how post-modernists challenge the way archivists think about their collections. The aim is to encourage and fuel different ways of handling them. Cook's work presents an opportunity to discuss what archivists do and the reasons for doing them (Cook, 2001:21-22). Archivists are asked to question the practice of creating metanarratives, and are encouraged not to ascribe one single meaning to their collection. This calls for open-ended collections, and enables the marginalized to re-write their history. Having different approaches to collections, he goes on, should be encouraged in order to have a pluralistic, rather than monolithic archive. Cook's views helped me significantly - in bringing out some of the lapses of the NAZ, especially in relation to the Gukurahundi massacre.

Harris (2000) who has been working in a Southern African context is an author whose work is greatly influenced by that of Derrida. The way in which Harris applies Derrida's observations is of special interest to the research report. Following Derrida, Harris (2000) notes that the archivist is not simply a neutral or objective record keeper, but is someone who has to struggle with the ethical responsibilities associated with the archive. For example, the archivist has to consider seriously whether to follow the letter of the law or the orders of a superior, or to take his or her own independent decision about what to, and what not to preserve. In his (2000) article - *Archives, Identity and Place: A Dialogue on What it Mean(s) to be an African Archivist*, Harris discusses how an East and Southern Africa Regional Branch of the International Council on Archives (ESCARBICA) Conference was conducted in English and situated within a Western modernist paradigm. He notes that the conference could have been conducted anywhere in the West, because there was nothing remotely "African" about it, even though most of the people who attended, and those outside, were rich in "otherness" both in terms of culture and language. He asks whether or not there is a distinctively African archival discourse, and if such a thing is feasible? In accordance with Harris's views, Hatang (2000), one of his colleagues, picks up on the idea of voices that are not being represented in the archive, challenging the methods employed in representing and preserving oral sources in the conventional archive. Together, they explore the implications of using English as a medium of attempting to archive oral history, and they discuss whether or not it is feasible to employ a particularly African discourse or methodology. Their dialogue raises questions such as: if the archive speaks in a western paradigm, what does it mean? How does this impact on the Zimbabwean archive? Their work

helped me understand some of the difficulties faced by archivists, especially in terms of following the law governing archivists, other forms of control over the archive, and the personal decisions made by the archivist. Together with Derrida's work, Ellis, Cook and Harris's work are fundamental in this study, because they helped elucidate issues around the democratic ways of archiving.

Across the world archives are recognised as an important part of the heritage of every community. Dube (2009) notes that archives - like all other organisations - are sensitive to changes in management and accessibility, and because of this there is a need for revision of legislation that recognises the life cycle management of records. She notes that the National Archive of Zimbabwe is not immune to technological changes, and that as technology becomes more sophisticated, there is a need to restructure the organisation in order to address these issues. She notes that the National Archive of Zimbabwe Act of 1986, was enacted with the aim of improving National Archives of Zimbabwe's (NAZ) operations. The Act states that the National Archives are to manage all government documents from creation to deposition; it also gives the National Archives power to inspect records in any Ministry. However, the present structure falls short in terms of a legislative framework that does not give it sufficient control over public records not yet in its custody. Ministries and departments destroy records without notifying the NAZ, so there is a need to amend the Act in order to criminalise destruction of public records. The current Act also does not cater for audiovisual collections and printed publications. According to the Act, the National Archives' main purpose is to control and dispose of records, and to select and permanently preserve archives for use by government and the research community. Dube (2009) also notes that the other main functions relate to records management services offered to government departments, local authorities and statutory bodies, as well as library services that are used by the research community for a more liberal access policy. She notes that without appropriate legislation that encourages electronic records management, the National Archives cannot meet their legal obligations, and therefore there is a need to amend the current legislation, for the archive to operate to its full potential. Mnjama (2005) agrees with Dube (2009), in that a new archival legislation is needed that is in line with modern trends, especially on issues to do with greater access to information, such as freedom of information and the removal of laws that restrict or hinder full access to information. Mnjama also notes that "the

removal of such regulations as the official secrets needs also to be abolished” (Mnjama, 2005:469).

Mnjama and Dube from the above give reason to believe that when the National Archives came into operation, they did not prepare for management and the preservation of electronic records, and concentrated more on paper based material. They also did not prepare themselves for a more liberal access policy. Mnjama and Dube’s work contributed to our understanding of the importance of legislation in archival development, and why management of records has been overlooked as a development issue, and whether or not archival institutions in the Eastern and Southern African region are developing, stagnating or retreating. Although Zimbabwe’s resources do not come very easily it is not the main reason why archives are stagnating.

Mazarire (2000) notes that archives are for storing information and for public consultation. Moyo (2001) notes that continued use of records leads to deterioration, and that there is a need to balance access to archival materials, and their continued existence, with proper methods of preservation. This could relate to the case of the Gukurahundi Massacre. This ‘balance’ may raise ethical issues, as the decision of the archivist may harm or benefit different sections of the public, when certain records are withheld for further preservation. Mazarire notes that this is the biggest dilemma facing the Zimbabwean archivist today, and that ethical policies and practices are necessary to facilitate access to information. The ethical dimension he mentions has become more complicated with the introduction of technology - for example the internet, which makes information available at any time. He notes that this has led to the reconsideration of the laws governing the information sector, like the Zimbabwean Access to Information and Protection of Privacy Act, that guarantees every Zimbabwean the right to information not restricted by the state. Archival information is only mentioned in Part VI section 37 of the Act (Disclosure for archival or historical purposes). It specifies that the NAZ or the archives of a public body may only disclose personal information for archival or historical purposes, if such disclosure will not result in an unreasonable invasion of a person’s personal privacy in terms of the Act, or if the information is about a person deceased for thirty or more years (Access to Information and Protection of Privacy Act 2002:157 Chapter 10:27). The Act does not say anything about the right of the Zimbabwean state having access to archival and historical material about the country,

which is in possession of other countries or individuals. Mazarire notes that the debate on information ethics has always been one sided, concentrating on the providers rather than on the users; he further notes that the users have exploited archives to get degrees, and yet they have also contributed to the deterioration of records. He suggests that the only way of improving the Zimbabwean archives, is to enact legislation that compels users of archives to contribute to their preservation. Currently, researchers are asked to deposit a copy of their work to the archive, but there are no binding laws.

In terms of new technology, Mazarire notes that it will be difficult for a third world country like Zimbabwe to catch up with digital trends. The NAZ does not have established archival packages and software for their staff, and there are weak local networks and internet facilities. Other problems that NAZ should deal with before embarking on a full digitisation programme, are unfinished work on collections, and the cataloguing backlogs. The backlogging according to Moyo (2001), is due to staffing and funding shortages. As Mazarire notes, the issues of collection will cease to be important when the Archives cannot deal with the current material. Moyo (2001:5) notes that the problem is that archives remain government institutions and are run on government sanctioned budgets, and the little revenue they generate does not benefit them. Mnjama(2005) argues that the archives should remain under government control and that the placement of the National Archives should be re-assessed within government administration: “In order for archival institutions to become more visible, they need to be placed in ministries with wide ministerial powers such as the Office of the President” (Mnjama, 2005:468). This, is probably not entirely true, as the NAZ is run by high powers such as the office of the President, and yet suffers from lack of funding. Mazarire’s work, however, helped me understand the dual obligation that archivists have to their records and readers; it also helped in understanding the implications of digitization on the Zimbabwean archives, and its effectiveness as a means of making archives more accessible.

## 2. The Gukurahundi massacre

Other works that are relevant to this study as background are those focusing on the Gukurahundi massacre - such as Phimister (2008), the CCJP in Zimbabwe and the LRF (2007), Bickford (2007) and Carver (2000). Zimbabwe has more or less been ruled as a one party state since independence in 1980. Mugabe and his party have used the media and school textbooks, and state sponsored violence, to present his Zimbabwe African National Union - Patriotic Front (ZANU-PF) as the ultimate party. The Gukurahundi massacre was an important step in Mugabe's rise to power, as he used it to destroy legitimate alternative political voices. ZANU-PF's approach has always been silencing all views that stray from the official line. Although the Gukurahundi massacre was an official operation it is denied by the government and ZANU as actually having been official. Mugabe's government has since the 1980s managed to control information, and has enacted laws to make access impossible - access is given only to what they deem to be the truth. This is the case with the Gukurahundi massacres, where the facts have been silenced and the victims and their families have had to live with memories of horror and fear without having them acknowledged. If their suffering is acknowledged it might be argued that, if carefully managed it may in the long run strengthen national reconciliation.

Phimister (2008) in his paper on the Gukurahundi massacre talks about the massacre in Matabeleland, pointing out that "something too serious for silence has been happening in Matabeleland. Moto has heard from sources too varied and reliable to be discounted, tales of brutality, atrocities and killings which under any circumstances, are unjustifiable" (Anon, 1983). Phimister argues that the massacre constituted a defining moment for Mugabe's regime. He notes that at the end of August 1981, Mugabe - who was then only Prime Minister - announced at a ruling party rally that North Korea had given Zimbabwe twelve million US dollars to train a Fifth Brigade for the National army. Mugabe stated at the meeting that he was suspicious of people who did not wish to join ZANU, or attend its meetings; he could not 'understand the intentions of people who refuse to join the party that was responsible for the independence and freedom of Zimbabwe' (*Sunday Mail*, 30/8/1981). At that moment, he articulated an authoritarian and intolerant nationalism. The Fifth Brigade was largely Shona speaking, and they began their reign of terror in Matabeleland North in January 1983, expanding into Matabeleland South. The Fifth Brigade was deployed by Prime Minister Mugabe to suppress dissident guerrilla

activity in Matabeleland. They killed the Ndebele, because the dissidents were only found in their area, and not in Mashonaland (Phimister, 2008:198-199). The massacre was very serious and tried to exterminate the dissidents it is important restore the story told in order to establish how many dissidents died and how many of those that died that were not actually dissidents.

When first presented with the 1997 Legal Resources Foundation (LRF) and the Catholic Commission for Justice and Peace (CCJP) report, *Breaking the Silence*, Mugabe's immediate response was that "these people are trying to fan factional and personal divisions among us, digging up the past so that we could end up divided on tribal and even on village lines" (Business Day, 14/5/1997). The report notes that the word "Gukurahundi" means "the first chaff of the last harvest before the spring rains" (CCJP & LRF, 2007:13), pointing out that the term was used to connote something pleasant in the past, but that it gained new meaning in the 1980s, invoking terror and bitterness. *Breaking the Silence's* aim is to make a large part of Zimbabwean history known, especially considering that the massacre was, and still is, largely only known to those who experienced it. The CCJP and the LRF are the only ones who have written a book of this kind, which gives an overview of some of the events of 1980s. The work is compressed into a 440 page book, which still does not give a full rendering of the event. The CCJP and LRF hope to present some form of restorative justice through making the event known. A Derridean approach might be to say that in creating the archives they are allowing for the event to be forgotten. However people have not forgotten, yet the massacre has still not entered the school curriculum and there is no official acknowledgement of the massacre. Phimister (2008) and the Report published in 1997 and 2007 by the CCJP in Zimbabwe, and the LRF, contributed in bringing out the origins and the course of the mass violence on Matabeleland, and also helped in establishing the contemporary reactions and surveying the possible meanings of the massacre. Despite Phimister and the CCJP report there is still a lot of work to be done. The limitation of Phimister's paper and the *Breaking the Silence* report, is that both are largely one sided. It would be interesting to find out how ZANU-PF justifies the massacre, and what the Shona people who didn't support ZANU-PF or people who did but might not have been part of the inner circle's views were also, as well as those of the Ndebele outside Matabeleland.

Another paper that was useful in this study, is the Unofficial Truth Projects (2007) by Louis Bickford. This paper examines non-governmental (NGO) initiatives like official truth commissions that believe that by telling the truth about human rights abuses and atrocities that occurred in the past, countries can build more stable and democratic futures. He distinguishes the differences between official truth commissions and Unofficial Truth Projects (UTP). He notes that UTPs have advantages in terms of community-level truth telling, and allow for voices from below to be heard instead of from the top down like the official truth telling commissions. Official truth commissions have the power to declare that they are working in the realm of 'Official' history (Bickford, 2007:995-1001), unlike the CCJP and LRF reports on the Gukurahundi massacres. Bickford also looks at a number of UTPs that sought to reveal the truth about past abuses, and that relied greatly on the stories from victims. He looks at the Gukurahundi massacres (1980-1989) as a case study, and looks at the CCJP and LRF report as an example of a replacement of an ineffective commission. He argues that although an official four-man commission of inquiry was made which prepared a collection of statements that provided evidence of the atrocities, known as the Chihambakwe Commission chaired by Harare lawyer Simplisius Chihambakwe. The CCJP and LRF report has not been endorsed officially, and the report has still not received an official response from the President and Cabinet Ministers. In 1985, despite earlier promises that the information would be shared, the government announced that the Chihambakwe Commission's findings would not be released (Bickford, 2007:1013). Bickford concludes that as long as ZANU-PF is in power, the chances that the government will be able to undertake a dispassionate review of the events that happened in Matabeleland are slim, and the suppression of the Chihambakwe Commission only confirms this. He strongly emphasises the need for people to have the right to know about the past, and to have access to information. Although the CCJP and LRF summarised the lengthy report on the atrocities in Shona and Ndebele – he argues that it should be made more accessible and known to those who did not experience what happened - The oppositional archive cannot make much headway in Zimbabwe because it is banned.

Carver (2000) and Article 19 (2000) agree with Bickford (2007), in that they also believe in the right to truth about past human rights violations, that derive from the general right of access to information. They believe that the government and those in authority have an obligation to

ensure that citizens can gain access to information and to look at the various ways in which this can be achieved. They use the Gukurahundi massacre as a case study, and discuss the question of information about past human rights, in the context of freedom of information.

Carver (2000), Article 19 and Bickford (2007), helped me understand the way UTPs work, and the value of knowing and having access to the truth.

## **1.5 Methodology**

Jacques Derrida in his much acclaimed publication *Archive Fever* (1995) warns us against thinking that the archive is an objective record isolated from political interests and political power. Lowenthal, agrees with Derrida saying that archival repositories are not objective and are subject to abuse, irregularity, forgery and fraud (Lowenthal 2006:193).

Whilst doing the research I bore Derrida's idea in mind and it was reiterated by the interviews I conducted. Interviews were conducted with people who were familiar with archives in Zimbabwe, in order to generate the relevant data. I was primarily trying to establish how the National Archives of Zimbabwe works and why sources on the Gukurahundi Massacre are not easily accessible in the National Archive. I was also looking at the oppositional archive where I was evaluating the forms it takes, and how the information was obtained with suggestions of how reliable it is and, why it has failed to become part of the official archive.

I interviewed Mr Ivan Murambiwa, Mr Danmore Maboreka, Mr Samson Mutsagondo, Mr Livingstone Muchefa, Dr Muchaparara Musemwa, Mr Samson Chimuti, Ms Lindiwe Masumbuko, Ms Doreen Ndebele, and Ms Duduzile Khumalo. I selected this group of people because they work for the National Archives of Zimbabwe whilst some have and are still conducting research at the National Archives. I also - because of the sensitivity of the subject matter - refrained from using the real names of some of the interviewees, and have replaced them with false names. Some interviewees were repeating information I had already known whilst others had insider knowledge such as the fact that not all the records on the history of Zimbabwe are in the National Archive therefore making the archive always open to review. Some

interviewees noted that the National Archive is controlled by the state therefore there is political interest in what is housed and what should not be housed in the archive.

### **Note on Interviews**

All interviews were semi-structured and were focused on drawing out the participants' interpretations of their own experiences working with archival materials, or attempting to access restricted materials. Some examples of interview questions were:

- What is the exact nature of the National Archives of Zimbabwe Act?
- What factors impact or affect access to official records in Zimbabwe?
- What is available and accessible in the National Archives in Zimbabwe or in government departments, which deals with or refers to the massacre?
- What are your experiences as a researcher with the Zimbabwean Archives? Did you manage to get the information you needed?
- What is available and accessible in the National Archives of South Africa in relation to the massacre?

Through the literature and interviews, I was able to generate the data discussed in chapters' two to six of the research report.

Chapter two of this report provides a background to the NAZ Act, and examines its strengths and weaknesses. I show that the NAZ does not manage its records well, pointing out the importance of a powerful management system of records, in order to ensure that the NAZ lives up to its mandate. The chapter argues that the NAZ legislation does not give the institution sufficient control over records not yet in its custody.

Chapter three, provides a summary of the NAZ, and examines how each department operates. It outlines and describes each department in hierarchical order, and the way in which records move through the archive from the first to the final stage. I then discuss other factors that prevent easy access to records, such as the Access to Information and Protection of Privacy Act (AIPPA), the Official Secrets Act (OFSA) and the Public Order and Security Act (POSA).

In chapter four, I discuss the oppositional archive in the shape of the Catholic Commission and Legal Resources Foundation Report. I look at the forms it takes and whether the information might be reliable or not and how their report has failed to become part of the National Archive. I also discuss another kind of archive by Owen Maseko in relation to the Gukurahundi massacre. The chapter calls on the NAZ to be transparent and accountable when dealing with public records.

In chapter five, some of the images available in the South African Historical Archive (SAHA) are reflected on, with mention of how they came to be at the South African archives. I also mention the Mafela Trust and its plans of having its records stored by SAHA for safe-keeping, and the oral history project that SAHA has commissioned in Zimbabwe on the Gukurahundi.

The last chapter, chapter six, is a summary of the research report.

## **CHAPTER TWO**

### **2.0 THE NATURE OF THE NATIONAL ARCHIVES ACT OF ZIMBABWE**

#### **2.1 Introduction**

This chapter examines the National Archives of Zimbabwe Act of 1986, including the strengths and weaknesses of the Act. This is important because it helps demonstrate some of the loopholes in the organisation, showing how access to records is made impossible because of the NAZ's guiding principle. The information I got for this chapter mainly came from interviews with the staff of the National Archives and from the National Archives Act of 1986.

#### **2.1 The National Archives of Zimbabwe Act**

The National Archives Act of Zimbabwe was enacted in 1986, with the aim of improving the National Archives' operations, providing for the storage and preservation of public archives and public records, and for the declaration and preservation of protected historical records (NAZ Act 1986: 37). In addition to the above, the main functions of the Act relate to the restoration of various kinds of archival materials, the organisation of archival publications, public services and an oral history programme that tries to fill in gaps supposedly left by the documented history of the country. The Act also relates to a records management service offered to government departments, local authorities, statutory bodies and a photographic service that makes available copies of documents of historical, aesthetic or administrative value.

The above functions are placed under the custody of a director. As a result, the director is required to manage and control the National Archives. The Act notes that he/she can acquire by purchase or donation any record or other material which in his/her opinion is likely to be of enduring or historical value (NAZ Act 1986: section 5(c):39). This is an advantage to some extent, because anything that is of interest to the NAZ can be purchased. However this is not strictly true - the Act gives the director power, and yet he is not given a platform to exercise it without first receiving permission from a higher authority (Mr Mutsagondo, 2010 & NAZ Act

1986: section 21 (1)). If the director believes some records within the custody of an individual or organisation are important, he/she has to first consult the Minister of Home Affairs. If the Minister shares these sentiments, he approves the director's decision, but if the individual or organization does not want to donate or sell their information, the director can approach the Minister and get some regulatory instruments supporting the director's actions. This is inappropriate because people who do not want to donate or sell may be compelled to do so. An individual/organisation may have considered taking their collections to the NAZ, but because of the state they decide against it and then keep their own documents.

The director may specify any public record<sup>1</sup> to be of enduring or historical value and in writing notify the secretary of any ministry in whose custody the public record is (NAZ Act 1986: section 5(d):39). This ensures that the director is in control of what comes into the archive, in that he can instruct certain ministries whose documents are not already in the archive, that their information is of historical value. This does not apply all the time, as the director does not have the power to instruct certain ministries like the Ministry of Defence - rather he has to seek higher authority from the Office of the President (Mr Chimuti, 2010)<sup>2</sup>. The record of the Gukurahundi massacre is an important historical record and the current director Mr Murambiwa has noted that although he can specify any public record, the Gukurahundi massacre is a problem because it is not known exactly which creating department provided the information, and even if he did request the records, the government will still exercise its superseding powers over him. In addition to the above, sections 6, 7 (1), (a), (b) and (c) of the Act state that the director has power to initiate records inspection from creation to disposal in any Ministry, as opposed to the previous Acts. The right to inspect records whilst they are being held by the departments is critical, especially where there is mismanagement of records and archives through poor storage and handling practices and physical deterioration. This is often a result of inadequate registry procedures, and ignorance of legislation. If the records are mismanaged and destroyed, valuable information can be lost. Once the records have been inspected, the director gives advice or instructions concerning filing, preservation and maintenance, and when necessary the transfer to the National Archives of the records of that Ministry. The record inspection/survey is done every

---

<sup>1</sup> Public record means any record in the custody of the ministry.

<sup>2</sup> Not real name

four years according to the NAZ's policy paper to the Minister of Home Affairs. Record surveys are conducted to ensure that departmental classification systems are being used effectively to enhance service delivery for the department (Mr Maboreka, 2010).

According to Hunter (2003:23), surveying of records needs to be re-emphasized as a basic skill, applicable to and essential for, any archival situation. He further notes that record surveys can be a key part of the archivist's role of consciously choosing records and papers for preservation, rather than waiting for the fallout from the modern paper explosion to land upon the archival repository (ibid:23). Regardless of the compulsory obligations of the National Archives to conduct records surveys and improve departmental record delivery systems, according to NAZ staff, the records management situation of the previous records inspection revealed that records managed from public institutions hardly followed the life cycle of their management, suggesting there are no systematic schedules for the disposal of records (NAZ staff, 2010). Registries are filled with semi-current and non-current records, threatening the production of Public Archives that are processed from public records. The reason why the registries are filled with semi-current and non-current records is because public registries have had to transfer their semi-current records unsuccessfully after records survey, because the NAZ will not have adequate resources to provide storage facilities. As noted by Mr Maboreka (2010), there is also a problem of enforcement after the records survey, for example the Ministry of Justice registry will have the problem of the management of records that the archivist will have noted in a report to the director. The NAZ will then make recommendations to the Ministry, but they do not follow the suggestions given. The NAZ makes recommendations because they are primarily interested in the proper management of the Ministry's records. Reasons for Ministries not following recommendations could be a lack of trained personnel in the area of records management. Various ministries have been told of this problem, but they have done nothing about getting trained personnel or training the staff that are already in the department (Mr Chimuti, 2010)<sup>3</sup>. This is also a limiting factor to the archive as the custodian of a nation's heritage because if they do not receive official records to preserve then records are lost or mismanaged and this affects the preservation of the material.

---

<sup>3</sup> Not his real name

In addition to accessing any Ministry's records, archivists have to ask powers in the Ministry for permission to inspect the records, although the director has been given power by the NAZ Act to inspect and examine records. Also, there are a number of records at the Records Centre that are due for transfer to the Research and Public Archives, but the Public Archives have been unable to collect them due to space issues. The way the NAZ is operating makes me assume that the documents of the Gukurahundi massacre could still be in the registries, and have been given a disposal schedule. However, they may have been unsuccessful in reaching the Records Centre, or the creating department may be withholding the records they have to themselves for political reasons, and they will never become public property. On the other hand, the records of the massacre could be in the Records Centre but may not yet have been collected by the Public Archives, and so if the researcher wanted to access them, this is not possible, because they have not yet become public property. However, Mr Mutsagondo (2010), an archivist at the Records Centre, disagrees with my assumption that the records could still be at the Records Centre. He notes that if they had the massacre records at the Records Centre, they would have known about them because records on Gukurahundi are in high demand, as the public want to source a piece of their history that is not in history text books. If they had them, The Gukurahundi massacre records would have now been public records because they are now over twenty five years old as per section 2 (a) of the NAZ act. However, they may not be with the archives.

The objectives of the records management and surveys are facilitating efficient administration and the transfer of records of enduring value to archive deposits. The way the NAZ is run gives us reason to think that the records surveys being done by the NAZ, are to a large extent inconsistent and irregular in their conduct. This results in a situation where public records are not properly managed, like in the situation in which the NAZ finds itself. While the NAZ is mandated to manage public records and ensure that there is a connection with the departmental registries in the management of their records, the NAZ itself is failing to satisfy its obligation to undertake services like record management surveys to departments, and providing access to important records. In some provinces, record surveys are not conducted on a regular basis because of a lack of resources to travel to needy areas. Ngulube and Tafor (2006:27) have also noted that inadequate skills are some reasons for not conducting records management surveys.

Records surveys are an important component of the management of records. Public records are a public resource and therefore accountability and efficiency in their management has to be ensured. In order to achieve this objective, archives in countries like South Africa design and implement filing systems in government offices (Mr Maboreka, 2010). Public records are appraised by the National Archival institution in South Africa, and it exercises control over micro-filming. Such responsibility and exercise by the archival institution guarantees accountability and efficiency, not only in the management of records, but also efficiency in service delivery for government service (Mr Maboreka, 2010). This guarantees the delivery and production of authentic public archives for the country.

There are a number of advantages to be obtained from having proper records management in a public registry. According to the National Archives and Records Service of South Africa Act (NARSSAA) (<http://www.nationalarchives.gov.za/rms/bestpracticehtm>) a sound records management programme is advantageous because genuine records are created and maintained in an accessible manner to support the business and accountability requirements of the department. Putting into practice a sound records management programme, implies that records management processes are followed to the letter, for the advantage of both the department and the nation. This enhances the role of the National Archives in extending their professional role of managing records in public departments. There is a need for a sound records management programme because it allows for public accessibility, if they are well managed organisational information can be found or easily located. A sound management of records prevents the unnecessary duplication of documents and associated costs although there is a problem around hoping that sound management systems will be able to solve all problems. There are risks in that in selecting particular records and disposing of others, there may be records that are scheduled for disposal whilst they are still worth preserving or visa-versa. At times what to preserve or dispose of depends on the archivist's independent decision.

The programme will ensure that all records management processes are done as per requirement, such that there will not be unnecessary creation or disposition of records. With a sound records management programme, a department will be at an advantage because there is in place a retention and disposal programme, that ensures the department maintains only those records it really needs for functional purposes.

Proper and effective management of records is vital for the development of any nation. Records improperly managed could prove to be costly and expensive for the nation or government, because vital decisions are not appropriately made as the information flow may be flawed. Improper management of records may result in the loss of crucial opportunities that may be useful and strategic for the organisations or government. It has been argued that sound management systems contribute to good governance through enhanced administrative efficiency and better accountability to the public. Parker (cited in Chachage, 2005) argues that proper records management is vital for openness, accountability and good governance. Improperly managed records, as Parker concedes, can spell disaster for the government or agency whose record-keeping is facing problems. According to Ngulube (2003), unauthorised or otherwise poorly managed records mean that the government does not have ready access to authoritative sources of administrative, financial and legal information, to support sound decision-making or the delivery of programmes and services (2003:111). To a large extent the failure to conduct a records management survey for departments, will result in the dangers cited here by Ngulube.

Records management is the logical and practical approach for the creation, maintenance and use and disposition of records, and therefore the information that the records contain (1994:6). Penn's assertions underscore the life-cycle of records, a process that gives personification characteristics to records where they are born (creation or receipt phase), where they live (maintenance and use phase), and when they die (disposal phase). Management of records through these phases is key to effective use of resources in organisations. Effective use of information resources can be guaranteed by the implementation of a records management programme, whose goals are to ensure that the correct information is supplied to the right people at the right time. Various scholars have tried to provide guidelines for the management of records through their life-cycles. They all sound very good in theory, but often difficult to implement in practice given the diversity and complexity of real records.

It is the responsibility of the National Archival Institution, to establish and monitor the records system for public records departments. In order to understand the existing records systems, there is need to conduct a records management survey for departments, in order to investigate a

number of records management issues for the departments. The records survey becomes a basis for the establishment of a good and proper records management programme. In a nutshell, records surveys are important for the NAZ to hold, so that they can devise disposal schedules for the public registries, in order to guarantee the continuity of information management in the department. It also guarantees that the NAZ receives the documents at the Records Centre at the right time. To ensure that registries are not turned away when they go to dispose their records, the NAZ should clear up their backlog as information that has been due for transfer in 1995 is still at the Records Centre, and the delay is due to staff shortages (Mr Mutsagondo & Mr Maboreka, 2010)

In section 8 of the Act, the director and records committee chosen by the Minister are expected to give instructions concerning the retention or destruction of records of that Ministry. This gives the director authority over which documents are to be destroyed, and could help in creating space in the archive for both the Public Archive and the Records Centre. However, there are some records in the Records Centre that have passed their retention period, and which have been appraised but have not yet made their way to the Public Archives (Ms Ndebele, 2010)<sup>4</sup>. Since no documentation has been found<sup>5</sup>, especially in the case of the Gukurahundi massacre, one could argue that the government in power may have requested their destruction after or before the retention period. This may be because they believe the information to be sensitive or counter to the ruling party or governing power. This raises the question of who benefits when information about the atrocities is suppressed. Reasons for destruction are usually because information is not considered valuable anymore after the retention period, but the Gukurahundi records may have been destroyed because they are still as sensitive as they were 20 years ago.

During the research for this report I visited the NAZ, and at the control desk I requested the records on the Gukurahundi massacre, and the archivist Ms Khumalo<sup>6</sup> (2010) informed me that the records are not yet accessible, but when I probed she told me that when archivists are asked about sensitive records, they inform researchers that they are not accessible. As a provider of

---

<sup>4</sup> Not her real name

<sup>5</sup> Through the various conversations I had with staff of the NAZ, it seems the organisation does not have records on the Gukurahundi Massacre, and that is how I have come to this conclusion, although I later found out from a source that they have images that were given to them by the South African History Archive (SAHA.)

<sup>6</sup> Not her real name

public services, the NAZ is accountable to the public, but were still unable to explain why the information is not accessible. The fact that they are not being transparent about the records, may possibly indicate that there is some corruption involved. The officer also noted that usually only cunning renowned researchers, who know their way around, manage to access the records. The government, according to Mr Mutsagondo (2010), has strong superseding powers over the records committee. I then begin to believe that the Act is just a formality. The management of records is irregular; the director does not have real power and is being overridden by political interests.

The Act also provides means for preventing the export of archives from the country, as it has measures to enforce the effect. It states in section 11 subsection (1) and (2) of the Act, that no person shall remove from Zimbabwe, any public archive or public record unless such public archive or public record is required for an official purpose. Any person who contravenes the provisions of this subsection shall be guilty of an offence and liable to a fine not exceeding 1000 dollars or to imprisonment for a period not exceeding one year or both the fine and imprisonment (NAZ Act 1986:41). The legislation helps to create an administrative hierarchy from the highest point of authority, to the lowest rank. The Act also states in section 9 that every person is entitled to inspect any public archive which the NAZ holds. Currently the NAZ seems to uphold this law, but have not been able to supply researchers with information they need, and in the least possible time.

The other things the Act deals with, entail the compiling of finding aids, and provision of public access for authenticating copies of archival documents (NAZ Act 1986 section 10:41). This is an advantage in that it prevents researchers from publishing contents of the Public Archive without consent from the director or the Secretary of the Ministry from which the documents were created. Any researcher who publishes information from the archive without getting permission will have committed a crime.

Overall, all sections are covered in the Act, except for the library, and this is because when the Act was enacted the NAZ's core business was records - excluding the legal deposit library. The Act has also been overtaken by technological changes, as it does not include reference to

electronic records. Dube (2009:5) agrees with this, and notes that without legislation that encourages electronic records management, the institution will not meet its legal obligations. If the NAZ is failing to meet its obligations now, what would happen when electronic facilities are included in the legislation? They would have to first deal with the crisis they are facing now; and electronic records would pose even greater challenges in the management of public records. According to Thurston (<http://www.acarm.org/documents/issue36/36.12%20...>), computerisation creates new challenges by creating electronic records that will not remain reliable and authentic unless carefully managed. She further notes that electronic records are subject to loss because of their reliance on changing technology, their storage on fragile media, and their dependence on documentation that may be inadequate or missing. Although electronic records are fragile and sometimes need various drivers to open them as software changes, computer technology is still very useful to archives with adequate resources, in that it helps ease the administrative load of paperwork and has solved the issue of space. It has also changed the way some government records are created, maintained, and destroyed or preserved. The challenges that information computer technologies present, are the creation and maintenance of reliable records and preservation over time, and the issue that the electronic record can be easily manipulated. It would also require the NAZ to come up with disposal instructions and schedules. Creating legislation for records that can be easily manipulated, could therefore end up being a difficulty to be faced by the archive.

### **2.3 Conclusion**

The strength of the NAZ mainly lies in it being supported by a good and well thought out Act. It also has strength in that it prevents the export of archives from Zimbabwe, as well as authenticating copies of archival documents to prevent researchers from publishing the material. I have noted that NAZ's primary responsibility is to take care of government records and ensure the survival of the nation's heritage. Its weaknesses is that the director does not have sufficient control of issues that include collection of information that is vital to the nation's heritage. The NAZ does not have a proper records management system; and the legislation does not give the institution sufficient control over public records not yet in its custody. Proper records management should be done so as to avoid registries being filled with semi-current and non-current records, because some records like those of the Gukurahundi massacre may or may not

have been able to reach the archives or the Records Centre, therefore hindering the construction of the Public Archives. The NAZ should be appropriately equipped in all sections, in order to live up to its mandate to acquire, preserve and provide access to documentation in whatever format, which comprises the legal and historical record of Zimbabwe's past and present (NAZ clients' charter pamphlet 1998)<sup>7</sup>. Because of the weaknesses of the Act in terms of execution, the Gukurahundi massacre has not been accessible at the NAZ.

The next chapter will discuss how the NAZ operates and other relevant legislation that often curtails the availability of archival sources or limits the researcher.

---

<sup>7</sup> The NAZ's vision is to be the leading custodian and provider of the documentary heritage of Zimbabwe.

The Department undertakes to:

1. Give clients access within one month (archives and manuscripts) and two months (library materials) to material whose processing has been completed, checked and approved;
2. Publish, once a year, a comprehensive list of Zimbabwean publications produced and deposited during the year (Zimbabwe National Bibliography), and a list of all state archives and privately donated manuscripts (Directors' report);
3. Deliver request for records within three working days of receiving the request, and within twenty-four hours in the case of urgently required material;
4. Carry out a records survey at every registry at least once every four years;
5. Dispatch storage boxes within twenty-four hours of receiving request;
6. Reply to letters within twelve working days from date of receipt;
7. Produce material requested by researchers within fifteen minutes of the control desk officer receiving the request slip;
8. Produce photocopies within two working days of ordering, prints and other materials for existing negatives within five working days, and each reel of microfilm requiring first time filming within fourteen working days.

## CHAPTER THREE

### 3.0 FACTORS THAT IMPACT ACCESS TO OFFICIAL RECORDS IN ZIMBABWE

#### 3.1 Introduction

This chapter provides an overview of the NAZ and the way it operates. The chapter also attempts to examine legislation such as the Access to Information and Protection of Privacy Act (AIPPA) (Chapter 10:27), the Official Secrets Act (OFSA) (Chapter 11:09), and the Public Order and Security Act (POSA) (Chapter 11: 17) which often curtails the availability of archival sources or limits the researcher. I will look at how these Acts effect access in terms of records such as those of the Gukurahundi massacre.

#### 3.2 The National Archives of Zimbabwe

The Government Archives of Southern Rhodesia<sup>8</sup> were first opened up on the 1<sup>st</sup> of September 1935 through an Act of Parliament known as the Archives Act of 1935. This Act of 1935 established the National Archives to preserve, control, keep and dispose of public records of the then Southern Rhodesia. However, the National Archives now operates through the National Archives Act Chapter 25:06 of 1986, and is now known as the National Archives of Zimbabwe (NAZ).

The National Archives of Zimbabwe is a Department in the Ministry of Home Affairs (pers. comm., Mr. Mutsagondo, 2010). The NAZ is made up of four sections, viz. the Records Centre, Research and Public Archives, and the Library and the Technical section which comprises oral history, audiovisual and conservation.

---

<sup>8</sup> The Government Archives of Southern Rhodesia became known as the National Archives of Zimbabwe soon after independence.

### **3.2.1 Records Centre**

The Records Centre receives information from all government departments, and local authorities with government ownership, for example city councils, local district councils and town councils. They are given power by an act of parliament (NAZ Act of 1986) to examine, inspect, and receive records. However, private archives are not mandated to give records to the Records Centre (Mr Mutsagondo, 2010). If the NAZ has interest in information held by a private individual or an archive that is useful to the state, the Minister of Home Affairs can empower the director of the NAZ to ask the individual or archive to hand them over to the state using regulatory instruments supporting their actions (Mr Mutsagondo, 2010).

The government departments create the records, for example the Ministry of Health minutes of meetings are filed and they stay in their registry as current records for current operations from 2000 to the year 2010. For the years 1995 to 2000 for example, the minutes are no longer referred to by the Ministry of Health, but they are deposited at the Records Centre. At this stage the records still belong to the departments that created them, but they are kept at the Records Centre for more professional storage. The Records Centre is better equipped for professional storage as government offices are overcrowded and would not be able to keep records safely; the Records Centre is mandated by the Act to take care of government records (Mr Mutsagondo, 2010). However, whilst they are at the Records Centre, government departments can go to the Records Centre and request any document they might need (Mr. Mutsagondo, 2010).

When the records are accepted by the Records Centre, they are described as labelled, giving them location, box, bundle or volume number and destruction date. This is done using the records transmittal list (see appendix 1).

When the government department comes to claim their documents, they are advised to fill out a request slip, stating location, e.g. room number 19, shelf 2R, bay 5 and box 2077.

Printed by the Government Printer, Harare R.M. 102

**NATIONAL ARCHIVES**  
**REQUEST FOR RECORDS**  
*(to be completed in triplicate)*

FOR RECORDS  
 Centre Use  
 REQUEST NO.

Department/Office APPRENTICESHIP Date 09/09/10

Address for delivery of goods \_\_\_\_\_

Requested by: Z. NJENGERE Anticipated date of return: \_\_\_\_\_

Description of Records	RECORDS CENTRE NUMBER	
	Location	Box No.
<u>S.C. CASIMIRO</u>	<u>46-8-1A</u>	<u>249923</u>

For Records Centre use

Telephone request received by	Records sent to Dept. by	Records issued at Archives to	Date of reminder
-------------------------------	--------------------------	-------------------------------	------------------

**Figure 1: National Archives Request for Records Form**

One can only request a document under the umbrella of a department, rather than an individual. If the request is granted, the Records Centre will advise the departments to return the document within two weeks. If they do not bring the documents back after the two weeks, the Records Centre will issue a reminder and will continue to remind the department because they do not have the power to prosecute them for not returning the file (Mr Mutsagondo, 2010).

Furthermore, the Records Centre keeps semi-current records, depending on the importance of the record - for instance, records relating to the policies of the department and other relevant files. Records that come from the Ministry of Justice, such as civil and criminal cases, are preserved permanently (Mr Mutsagondo, 2010). Other documents that are not worth preserving, like documents from the Registrar such as receipts for forms for birth certificates and passports, are not kept because they have been audited (Mr Mutsagondo, 2010).

After having kept records like the Ministry of Health records from 2010-2015, they are destroyed in order to create space. Some documents are destroyed after six, ten or twenty years or more, depending on the policies of the Records Centre as defined in the stand-by instructions book

known as the retention schedules for disposal of records (Mr Mutsagondo, 2010). However, because many of the stand-by instructions were inherited from the colonial era, some records do not have classification in the stand-by instructions. Consequently the Records Centre has to change the stand-by instructions in order to accommodate new types of record. The change in the stand-by instructions affects previous records, as it sometimes prolongs their retention period. This therefore relates to my study, because this may have possibly been the case with the Gukurahundi records, or any other records in that they may have used old stand-by instructions prolonging the retention period.

The decision to add or subtract anything from the stand-by instructions, rests with the records' committee. The committee comprises the local archivist, the Chief Archivist who is the overall head of all record centres in the country, and the University of Zimbabwe History Department (Mr Mutsagondo, 2010). However, in a case where documents emerge and the centre is not sure about how to treat them, they can be kept again for 25 years, and are treated as schedule cases (Mr Mutsagondo, 2010). The documents are then reassessed after 25 years by an archivist to determine their value, and if they are still valuable, the archivist may decide to send them to the Public Archives and Research Section for public interest, while documents that are not valuable are destroyed (Mr Maboreka, 2010). Alternatively, the documents may be sold to the National Waste Collection (NWC) for paper recycling. The process is undertaken in the presence of an archivist to ensure that all paper meant to be shredded is waste and not some valuable information that might have mistakenly been included in the wastepaper basket. Cases have been reported of information that was not meant to be shredded that had been included in waste trucks. As a result, the government has made destruction of the public record without authorization illegal. However, according to Mr Mutsagondo no one has been prosecuted yet, and he believes this may be because there are more problems to worry about, so people do not notice (Mr Mutsagondo, 2010).

Another method once used by the Records Centre for destroying waste material was by burning. At the moment, however, the Records Centre does authorize some of their departments to destroy their waste, instead of bringing it to an already overloaded Records Centre (Mr Maboreka, 2010). This again is done with the assistance of the archivist, who visits the creating

department to examine the list of material to be destroyed. The archivist then seeks authority from the director, who is the only person who authorizes the destruction of records according to the NAZ Act of 1986. The director then writes a letter authorising the department to destroy the records. The NAZ makes a copy of the letter, and files it for record-keeping purposes of what has been destroyed (Mr Maboreka, 2010).

When records in the Centre have matured they are appraised, and the archivist decides which records are of enduring value (Mr Maboreka, 2010). When they have chosen which documents are of continuing value, the archivist then fills in a records transfer note, which is then sent to the Public Archives and Research Section. The note informs the archivists in the Public Archives that there are records that need to be collected at the Records Centre, and they in turn go to the Records Centre to collect their records.

### **3.2.2 Research and Public Archives**

Records that have been transferred to the Research and Public Archives are further processed. They are described in inventories and guides, which in turn are supplemented by indexes. Once the records have been transferred to the Research and Public Archives they belong to the nation, and become public property. The Research and Public Archives do not only receive records from the Records Centre, but also through donations and as historical manuscripts.

The citizens of Zimbabwe and foreign researchers are allowed to inspect the records. Foreign researchers are meant to meet the general requirements with an appropriate institution of learning, before inspecting the records, and need to obtain a temporary work permit or a research permit (NAZ pamphlet, 1998). The researchers are expected to pay a non-refundable fee of one US dollar, before entering the archives. They are required to produce their ID and fill in a form stating their business at the NAZ which is the standard procedure for all archives.

### **3.2.3 Library**

A library is essential to any archival establishment, because it ensures that the archivist knows which records in the archive have been published. The archivists cannot expect to guide others

unless they themselves are widely read in all aspects of national history (Ms Masumbuko, 2010). The library is a legal deposit library; it contains pamphlets, books, newspapers and periodicals relating to Zimbabwe - on all subjects. The library was formed by an acquisition in 1936 of the Hiller loan collection (Ms Masumbuko, 2010). From its beginning, the library has grown by donations, purchases and permanent loans, and compulsory deposits under the Printed Publications Act, Chapter 25:14 of 1975. The library is housed in the same area as the Research and Public Archives Section. The Act requires all Zimbabwean publishers, when publishing a book in Zimbabwe, to apply to the NAZ library for an ISBN number, and requires every Zimbabwean publisher to deposit a copy of their published material and deliver it free of charge - with the exception of parliamentary papers, catalogues, circulars and trade advertisements. If a Zimbabwean writer publishes a book outside Zimbabwe, they are required by the Act to deposit a copy of the book to the library within a month of publication. Some books do not reach the library although the Act states that compulsory deposits should be made this also hinders the number of books that are about the massacre to be in the library.

According to the Act, a publisher who fails to deposit a copy will be found guilty of an offence, and will pay a fine not exceeding 500 dollars or face imprisonment for a period not exceeding six months, or be both fined and the imprisonment (Printed Publications Act Section 5 subsection 4:681). The Act requires the appearance of every book to be deposited to the library by the printer and publisher's imprints and the date of publication. The Act also notes that every newspaper should be registered, and registration is done at the NAZ library. The author of a book which does not bear an imprint will be liable for a fine not exceeding 1000 dollars or imprisonment for a period not exceeding twelve months, or both the fine and the imprisonment term (Printed Publications Act Section 4:681). However, according to the Chief Librarian, Ms Masumbuko, publishers and writers do not always deposit a copy of their published books, but no one ever really follows up on who has recently published a book. No one has been arrested yet, for not depositing their material to the library. Some publishers may not deposit their published copy on the massacre because they may know that the likelihood of their book being banned in Zimbabwe is high.

### **3.2.4 Banned Books**

There are some books that have been deposited into the NAZ library that have been banned by the Censorship and Entertainments Control Act. An example of this is the Report published in 1997 by the CCJP and the LRF. The Board of Censors empower the director to exercise his discretion in considering applications from members of the public, who may want to consult banned books in terms of the Act. An individual who may want to view a banned book is meant to apply in writing, including the full details as to the purpose of each book, and why it is fundamental to the study of the subject in question. This process hinders access to books on subjects like the massacre because already it is a banned book and they will question why a researcher may need such information.

### **3.2.5 Technical**

The Technical section comprises oral history, audiovisual and conservation material. Those who have contributed to the nation's development and historical background are interviewed by oral historians or the staff. The interviews are recorded on tape and are subsequently transcribed. The aim of the taping is to fill gaps in the information held in printed or written form (NAZ pamphlet, 1998). The audiovisual unit accommodates new media of information: video and computer tapes, and stores them in special environmentally controlled premises, to ensure permanent preservation. The conservation unit is responsible for the physical wellbeing of the archive collections.

Most of the records that become public archives are derived from the registries, and are then transferred to the Research and Public Archive. The Records Centre is the main source of records, but when asked about the Gukurahundi massacre, the archivists knew that such information existed, but were unable to fully disclose the creating department. Through discussion with the various departments that make up the NAZ, I was able to pick up a few weaknesses and strengths in the organisation. Firstly, the NAZ Act notes that the director can acquire information that he believes is relevant to the heritage of Zimbabwe, however the director may or may have not yet have acquired the records of the massacre. In addition, the director does not have direct powers to collect or buy information he or she feels is relevant to the heritage of Zimbabwe without permission from the Minister or a higher authority. The

information on the massacre is in the public domain, and yet the public has also not donated their records. The reason for not bringing their documentation forward may be that the NAZ does not compel people to deposit items that they may deem archival. Other reasons for not depositing such material are that the public may fear being asked where they got the records from, and the chances of them being destroyed are high. There could be a fear of the regulatory instruments the NAZ may use in supporting their actions, to get hold of the records. The information I gathered for this research report on the Massacre (which will be discussed later), came mostly in the form of the oppositional archive.

The Records Centre is powerless when it comes to getting back records from the creating departments that they would have given their records to. They are in essence not their records, however they are usually of great value and therefore need to be preserved for future generations. Prosecuting measures should be put in place for those who do not return records. The NAZ's other weakness is using old stand-by instructions, as this hinders documents from quickly getting to the Research and Public Archives. The NAZ also has problems with following up with regulations according to the standards they have set for themselves - they need to have a good management system in the organisation. NAZ's only strength - one could say - is the reading room in which they have managed to monitor their researchers and teach them how to look for records without assistance, although this system may be out of date.

Access to records is not only hindered by the execution of the NAZ Act, but is also informed by other laws of the country which make no provision for access to records deemed 'secret', 'confidential' or 'classified'. I will describe below the various Acts in relation to the massacre.

### **3.3 Access to Information and Protection of Privacy Act [Chapter 10:27]**

The Access to Information Protection of Privacy Act (AIPPA) was enacted by the President and Parliament of Zimbabwe, to provide members of the public with a right of access to records and information held by public bodies. It was also enacted to make public bodies accountable. The AIPPA gives the public a chance to correct any misrepresented personal information and also prevents the unauthorised disclosure of personal information by public bodies in order to protect personal privacy; and to regulate the mass media (AIPPA, 2002:143).

### **3.3.1 Right to Information**

The Act notes that every person must have the right to access any record, like records containing personal information under the control of a public body; this includes records of the Gukurahundi massacre, as they are controlled by the state. The access to the records in the Act, however, only includes information that the public body has provided, and does not include information that has been left out (AIPPA, 2002 section 5, subsection 1:146). Information that is of high public interest, like the massacre, should be provided, but it is not provided currently. A person who is not a Zimbabwean citizen or is not permanently residing in Zimbabwe in terms of the Immigration Act [Chapter 4:02], or is not a holder of a temporary residence permit, temporary employment permit or student's permit, may not have the right of access, as well as any mass media, broadcaster and foreign state which is not registered in terms of the AIPPA Act (AIPPA, 2002 section 5, subsection 3 (a)-(c):146). Some renowned authors are said by Mutsagondo (2010) to have gotten hold of sensitive documents such as those of the massacre without an employment permit or a student permit yet Zimbabweans are not given permission to view records that are important to their history.

### **3.3.2 Fees for Access to Records and Related Services by the Public Body**

A researcher, who requires access to a record that is under a public body, is required to write to the body, giving details, so that the public body would be the NAZ. The researcher is asked to write to the NAZ, giving details about the record they require so that the NAZ can locate the information (AIPPA, 2002 section 6:146). If the researcher is successful in their application to access the records, they are asked to pay a fee to view the records. The researcher is also asked to pay if any other services were engaged by the NAZ whilst they were trying to find the researchers information. When a researcher applies to gain access to records the NAZ should respond within thirty days, if they do not they are meant to inform the researcher as to why they are taking a longer period of time. These procedures do not really happen in practice, a person looking for information on the massacre is usually turned away immediately and is not told of

the various steps to take. One could blame the researcher for their lack of knowledge but it is also entirely up to the NAZ to make the information available.

Usually, according to the Act, the NAZ or any other public body may extend the time frame of response to the researcher because the researcher will not have given information on the record they have requested. Sometimes there are a number of records the researcher will have requested and it would be difficult to meet the thirty day time frame. Also more time may be needed to speak to a third party that may be affected by the request before the director of the NAZ can decide whether or not to give the researcher access to the record they have requested (AIPPA, 2002: 146-148).

Where necessary, the director of the NAZ will create a record for the researcher using information communication technologies (ICTs), however this can only be done if the public body has the relevant machines, software and technical expertise. In a situation where the NAZ refuses to give the researcher permission to access the record, the director has to inform the researcher why access has been denied. A researcher, whose request has been denied can apply to the commission to review the NAZ's decision. But usually the public NAZ will have informed the commission or the commission will have informed the NAZ that certain documents are not meant to be viewed by the public, so there may be little use in the applicant applying to the commission. It just becomes a long and tedious process that leads nowhere. The director may refuse to grant access to a record that relates to a third party that is protected, or if it is not in the public's interest (AIPPA, 2002 section 9, subsection (b) & (c):147). However, even though the Act notes that they are meant to reply to an applicant and give reasons why they have been turned down in terms of viewing the records, most of the time if an applicant has applied for sensitive records such as those relating to the massacre, an explanation will not be given as to why access was denied, or why they have failed to respond within the stipulated thirty days.

### **3.3.3 Protection of Information whose Disclosure will be Harmful to the Law Enforcement Process and National Security**

One of the reasons for the NAZ not disclosing information about the massacre archive, is because the Mugabe government may not want people to have access to the records because it may threaten its political position. However the legislation may mean that denial of access to the records is legitimate. In terms of the law, it can be justified in terms of national security.

The Act notes that the NAZ will not reveal the identity of a confidential source of law enforcement information relating to criminal intelligence, that has reasonable connection with the detection, prevention or suppression of organized criminal activities. They believe that this may compromise the effectiveness of investigation techniques and procedures used by the law enforcement agencies. In the case of the massacre this is the Fifth Brigade's way of enforcing terror among the people. The Act also notes that disclosing such information may endanger the life or safety of a law enforcement officer, or any other person (AIPPA, 2002 section 17, subsection 1(a), (i)-(iv): 149-150).

Making nationally secured records public, according to the Act, may hinder the defence, national security and interests of the country, under the Official Secrets Act [Chapter 11:09]. Disclosure of the massacre it is claimed could harm the operations of the defence and security forces within or outside Zimbabwe. I will discuss what is contained in the Official Secrets Act later in this chapter. Reasons - according to the Act - for not disclosing the records, are that they could prevent suppression of espionage or terrorism. Giving access to the massacre record it is claimed may facilitate the escape from custody of a person who is under lawful detention, or harm the security system of any property or system, including a building, a computer communications system. I believe that most of the aforementioned laws above were created to protect those in power from being found or sanctioned, and as long as they are in power the truth will not be revealed.

The Act also notes that the Director of the NAZ under the instruction of the Minister responsible for local government, or the Minister responsible for foreign affairs, may refuse to disclose information if disclosure effects the relationship between the government and a municipal body,

or the government of a foreign state or international states. This may be the case with the massacre, since the training of the Fifth Brigade was done and sponsored by the North Korean government. The NAZ may not give any information received in confidence from the government (AIPPA, 2002 section 18 (b): 150), however, the above does not apply if the information contained in the records has existed for twenty or more years. Though the massacre archive has existed for more than twenty years, the archive has not yet made its way into the public domain, and the public has thus far relied on the CCJP, the LRF and brave activists such as Maseko who will be discussed at a later stage.

### **3.3.4 Protection of Information Relating to Personal or Public Safety**

According to the Act, other reasons for NAZ not disclosing information, are that if the records are about personal information relating to the researcher, disclosure would result in a threat to someone else's safety. Making the Gukurahundi massacre records public is said to be a threat to the researcher's mental or physical health (AIPPA, 2002 section 22, subsection (1) & (2): 151). This may be a reason for not disclosing information about the massacre, even if it is available, because it is feared that the victims or researchers will not be able to handle themselves appropriately, and will go after the perpetrators. It is not known whether Maseko or his family were directly affected by the massacre, but the government tries to avoid incidences such as the Maseko case, as he was considered not to have behaved in an appropriate manner - by attacking the president and his government through the medium of paintings.

The director of the NAZ or any public body is not allowed to give access to a researcher if it invades a third party's personal privacy. The director has to decide whether if the information were to be given to a researcher it would affect a third party. Before deciding to allow access, the director has to consider if giving access would hinder the works of the government or any other public body. He also has to consider if allowing access will, in the case of the massacre, assist in researching or validating the claims, disputes among the people and whether or not the records may be reliable or not. He also considers if the information can damage any ones reputation. This may be the case with the massacre records in that the director weighed all the above options and has decided not to give access or has been given direct orders from a higher authority not to disclose the records for reasons of national security.

Overall, the AIPPA notes that the head of a public body must protect personal information that is in their possession, and ensure that there is no unauthorised access, disclosure or disposal of such personal information. In summary, the Act notes that the National Archives may only grant permission to the public to view records if it does not result in unreasonable invasion of a person's personal privacy, in terms of the AIPPA, and if the information is about a person who has been dead for thirty or more years.

However if access is not given on the massacre records the director according to the Act must give the researcher a summary of the information without disclosing the identity of a third party. However, this is not done when the researcher is refused access. This may be because the director was afraid to give a summary of the massacre because he was afraid of communicating false information that the state may find harmful to the safety and interests of the country.

Overall, the AIPPA notes that the head of any public body must protect personal information that is in their custody, and ensure that there is no unauthorised access, or disposal of such personal information. In summary, the Act notes that the National Archives may only grant permission to the public to view records if it does not result in the invasion of a person's privacy, in terms of the AIPPA, and if the information is about a person who has been dead for thirty or more years.

### **3.4 Official Secrets Act [Chapter 11:09]**

The Official secrets Act was enacted so as to not allow disclosure of Zimbabwe's secret information, which might be useful to enemies, and to prevent the public from obtaining or disclosing Zimbabwe's official secrets. According to the Act, a person who has been entrusted by the state to keep important official documents or articles, is not meant to share it with anyone, unless otherwise authorized to do so by a higher authority. If the person reveals the state's secret, they are guilty of an offence and liable to pay a fine or imprisonment for twenty years, or pay the fine and go to prison (Official Secrets Act 1996: 157-160). This may be what the director fears in the event that he creates a summary for a researcher that has been denied access. The State may have entrusted the NAZ or any other public body to protect the massacre archive, and the public body granting access to the records would be contravening the OFSA.

### **3.5 Public Order and Security Act [Chapter 11:17]**

The Act was enacted by the President and parliament of Zimbabwe to maintain public order and security, which Maseko is said to have been in breach of.

#### **3.5.1 Publishing or Communicating False Statements which are Harmful to the State**

The Act notes that any person who is either inside or outside Zimbabwe, who communicates a false statement and knowing that there is a possibility of inciting public disorder, affecting the defence or economic interests of Zimbabwe, undermining the public's confidence in the law enforcers, will be guilty of a crime. They will be required to pay a fine and go to prison for a period of five years or more (POSA, 2002 section 15: 10-11). This section of the Act implies that if a person were to speak of the Gukurahundi massacre, claiming that the government and the ruling party were involved, and stirring up chaos, even though they are telling the truth, they will be guilty of a crime. This is the case with Maseko's paintings, where he wanted to exhibit his paintings publicly and was charged with undermining the public's confidence in the government, and causing chaos.

#### **3.5.2 Undermining the Authority of the President**

Following on publishing or communicating false statements which are harmful to the state, the Act notes that anyone who makes false statement intentionally, in a public place about the President, which may cause hatred for the President through his or her statement, is guilty of a crime. He or she would be required to pay a fine or imprisonment for a period not exceeding one year or both fined and imprisoned (POSA, 2002 section 16:11). This may be the reason why the CCJP and the LRF report is banned in Zimbabwe because the state may find their statements harmful to the president. Maseko was also charged with undermining the authority of the President, and as the President has not yet fully acknowledged the massacres, his paintings were considered false to Zimbabwean history. This also means that anyone who states that the Fifth Brigade was directly answerable to Mugabe - although this is a known fact but is not recognised officially - would be guilty of a crime, as it would be considered false.

### 3.6 Conclusion

This chapter has shown how the NAZ operates. It has shown that most of the records that become public archives are derived from the registries, and are then transferred to the Research and Public Archive. The Records Centre is the main source of records, but when asked about the Gukurahundi massacre, the archivists knew that such information existed, but were unable to fully disclose the creating department. Through discussion with the various departments that make up the NAZ, I was able to pick up a few weaknesses and strengths in the organisation. Firstly, the NAZ Act in section 5 (c) and section 2 (a) and (b) notes that the director can acquire information that he believes is relevant to the heritage of Zimbabwe, however the director may or may not yet have acquired the records of the massacre. In addition, the director's powers are subordinate to higher authorities. The information on the massacre is in the public domain, and yet the public has also not donated records because there are flaws in the management systems and the public does not feel confident about donating records. The reason for not bringing their documentation forward may be that the NAZ does not compel people to deposit items that they may deem archival. Other reasons for not depositing such material are that the public may fear being asked where records were obtained from, and the chances of them being destroyed are high. There could be fear of the regulatory instruments the NAZ may use in supporting their actions, to get hold of the records. The information I gathered for this research report on the massacre (which will be discussed later), came mostly in the form of oppositional archives.

The Records Centre is powerless when it comes to getting back records from the creating departments, to which they gave them. They are in essence not their records, however they are usually of great value and therefore need to be preserved for future generations. Prosecuting measures should be put in place for those who do not return records. The NAZ's other weakness is using old stand-by instructions, as this hinders documents from quickly getting to the Research and Public Archives. The NAZ also has problems with following up with regulations according to the standards they have set for themselves - they need to have a good management system in the organisation. NAZ's strength - one could say - is the reading room in which they have managed to monitor their researchers and teach them how to look for records without assistance, although this system may be out of date.

This chapter has further shown NAZ policies prevent access to records, and how other legislation impacts access to official records. The legislation described in this chapter is legislation that restricts access to information. However, it may be the case that the government has legitimately denied access to the Gukurahundi massacre records on the grounds of national security. Literature has shown that except in the case of South Africa, where the Freedom of Access to Information Act (FAIA) was passed, no significant effort has been made to introduce such legislation elsewhere (Mnjama, 2005:465). Zimbabwe should become more accountable and law abiding with its people, and there is a need to formulate laws and policies that guarantee the people right of access to information that is being withheld by the government.

## CHAPTER FOUR

### 4.0 THE OPPOSITIONAL ARCHIVE IN THE SHAPE OF THE CATHOLIC COMMISSION REPORT

#### 4.1 Introduction

This chapter briefly looks at the nature and potential of the oppositional archive bearing in mind that all archives are partial and incomplete. It looks at the oppositional archive in the shape of the Catholic Commission Report.

#### 4.2 Gukurahundi massacre

The NAZ's mission statement is to acquire, preserve and provide access to documentation, in whatever format - which comprises a legal and historical record of Zimbabwe's past and present (NAZ clients' charter pamphlet, 1998). One of the areas of information the NAZ is meant to acquire, preserve, and provide access to is the Gukurahundi massacre, but there is a lack of any formal or proper documentation relating to this event, even though it is an important part of Zimbabwe's history. If at all there is information on the massacre in the archives, its access has been restricted. But what exactly was the Gukurahundi Massacre? And how do we know what we do know about it?

We know what we know about the massacre now, because of those families who were directly affected by it, and who have passed the information down to other families and also through the CCJP and LRF 1997 and 2007 reports. The CCJP was formed by the national Catholic Bishops Conference in March 1972 and was tasked with, education in human rights, research into areas of institutionalised violations, the monitoring, recording and reporting on violations; and action to protect the violated. The Commission works in seven dioceses, national and regional offices. It is affiliated to the Pontifical Council *Justitia et Pax* and has active contact with commissions in other countries. The Commission publishes research findings, legal and political rights, information and reports on human rights violations (CCJP & LRF, 2007:22)

The LRF is a charitable trust established in 1984. The LRF promotes human rights through its paralegal, educational and publication programmes. It operates through Legal Project Centres in Bulawayo, Gweru, Harare, Masvingo and Mutare, which in turn run Legal Advice Centres. It

aims to provide indigent Zimbabweans with legal advice through a network of advice centers manned by paralegals trained by the LRF. It also aims, like the CCJP to educate Zimbabweans on their legal and human rights. They publish legal pamphlets that simplify Zimbabwean law for lay people, as well as reports and legal textbooks (CCJP & LRF, 2007:22).

Since the sources that are available on the massacre are one-sided, I have in this research report only shown one part of the massacre. The CCJP and LRF report have put together information collected in the 1980s whilst the massacres were happening as well as information from interviews, conducted in the 1990s (CCJP & LRF, 2007:8).

The term “Gukurahundi” means “the first rain that washes away the chaff of the last harvest before the spring rains” (CCJP & LRF, 2007:13). The term used to have pleasant connotations for farmers in areas without water - it meant the smell of the first rains on dry soil and the coolness and freshness of the air afterwards, and the promise of a new season of bountiful harvests (CCJP & LRF, 2007:13). In the 1980s the term gained new meaning, when the North Korean trained Fifth Brigade murdered an ‘estimated 20 000 innocent civilians and thousands of others were tortured, assaulted, raped and had their property destroyed’ (ZimRights NGO forum, 2007:3) and other sources say only 700 people died (CCJP & LRF, 2007:8). These figures show that the number of people said to be dead may not be reliable as there is not one certain figure and something needs to be done to resolve the huge difference between the figures. According to Archbishop Pius Ncube, Bulawayo 2006 the CCJP and LRF report is partial; someday he hopes a fuller report will be made that will further try to resolve the huge difference in the figures (CCJP & LRF, 2007:20).

Interviews were conducted in two case study areas Tsholotsho/Nyamandlovu in Matabeleland North and Matobo in Matabeleland South. Because of the lack of funding and time, the CCJP and the LRF decided not to collect data on a national scale, but rather to do interviews in two administrative districts - namely Tsholotsho and Nyamandlovu in Matabeleland North and Matobo<sup>9</sup> in Matabeleland South (CCJP & LRF, 2007:11). They decided to conduct interviews in Tsholotsho because government atrocities were known to be brutal there, and in Nyamandlovu because it had a large number of dissidents, and in Matobo as it was a large communal area

---

<sup>9</sup> Matobo was known as Kesi District prior to the 1980s (CCJP & LRF, 2007:11)

where atrocities were also known to be severe. Each of the above places that were chosen for interviews to be conducted, was chosen with the criteria that they were near Bulawayo and readily accessible. People were encouraged by their local councillors to give evidence, and pre-arranged interview sessions were conducted. However, some challenges were encountered, as some councillors were inefficient in terms of informing residents that the interviewers were going to visit, and this resulted in a countless number of trips to the same areas. They also faced challenges of repetition of interviews that were already on record, and the idea of false information cannot be entirely ruled out. There was an attempt by the CCJP and the LRF to substantiate the people's testimonies, but because of the government's security forces, dissidents were reluctant to acknowledge any legitimacy in the people's testimonies of events that occurred. By and large, having testimonies is one thing, not having the other side of the story from the perpetrators' is another. If the LRF and the CCJP did get the perpetrators side of the story they still may not be able to determine the truth of the original testimony but they might be able to understand something more about the perpetrators motives or psychology. It is hard to provide corroboration for victim testimonies, how do we know if anyone is telling the truth? These truth telling dilemmas face all archive users no matter what the materials.

The interviews and case studies in the report try to give the accounts of the massacres and the number of dead as accurately as possible and acknowledge the limitations of the data available. The exact number of people who died will never be known but more accurate estimates are now possible because the report sought to overcome the difficulties of verification of atrocities committed by relying on a number of data sources namely (CCJP & LRF, 2007:13-14):

a) CCJP, archival material, collected in the 1980s

b) Bulawayo Legal Projects Centre (BLPC) under the LRF

- archival material, including records of legal clients, BLPC current material: current paralegal with legal problems arising from the 1980s and interviews conducted in the case study areas in 1995/96.

c) Human rights reports, *Zimbabwe: Wages of War*-a report on Human Rights, published by the Lawyers Committee for Human Rights (LCFHR), New York, 1986

-*Zimbabwe- A Break With the Past? Human Rights and Political Unity* an Africa Watch Report, Richard Carver, October 1989

- Amnesty International Reports and Memoranda

-CCJP Report on Torture in Zimbabwe, Presented to the Zimbabwe Catholic Bishops' Conference, January 1987

d) Media reports contemporary to the 1980 were also used in the verification of atrocities, both local and international, including newspapers mainly *The Chronicle* Bulawayo's daily newspaper, magazines and video clippings. The Chronicle provided information on the "official view" of events, recording the opinions and pronouncements of Government office bearers as events unfolded.

e) Academic research

- Conference papers written by Jocelyn Alexander and JoAnn McGregor, Richard Werbner, *Tears of the Dead: Social Biography of an African Family*. Baobab, Harare, 1992

f) Selected interviews with CCJP officials, commercial farmers and others

g) Medical and other material evidence. Medical records and evidence from three sets of exhumed bodies

Since the 1980s, the word Gukurahundi has continued to have negative connotations for Zimbabweans. Much of what is known internationally and locally about the Fifth Brigade and their violent nature, comes from the efforts of the CCJP and LRF in Zimbabwe. The testimonies were collected during the 1980s and 1990s by the CCJP, the LRF and refugees from the rural areas. They relied also on other sources to collect testimonies, such as the Bulawayo Legal Projects Centre (BLPC) to get material on the legal problems arising from the 1980s, media reports of the 1980s which included newspapers, magazines and news clippings, academic records, selected interviews with CCJP officials, commercial farmers, medical records, and human rights reports which included the Lawyers' Committee for Human Rights (LCFHR). The above information gives us a sense of the scope of interviews that were conducted and included in the report.

Most testimonies were as descriptive as the woman's given below, for example one man speaks of how he tried to put back the intestines of a family member who was shot, but it was too late, and another speaks of being beaten with logs for three months and losing one eye, and how he

went to the hospital when his right eye was falling out (CCJP & LRF, 2007:389-406). There are a lot of stories like this which are obvious or probable exaggerations.

The testimony a woman made in western Tsholotsho illustrates a certain type of testimony meant to convey the horror and brutality of the experience of being attacked by the Fifth Brigade when the event took place at the end of January 1983. The Fifth Brigade was deployed within a day or two following the event. As the woman notes:

“The uniformed Fifth Brigade soldiers arrived and ordered my husband to carry all the chairs, a table, bed, blankets, clothes and put them in one room. They also took all our cash- we had \$ 1 500 saved, to buy a scotch cart. They then set fire to the hut and burnt all our property. They accused my husband of having a gun, which he did not have. They shot him. The first two times, they missed, but the third time they shot him in the stomach and killed him. They then beat me very hard, even though I was pregnant. I told them I was pregnant, and they told me I should not have children for the whole of Zimbabwe. My mother-in-law tried to plead with them, but they shouted insults at her. They hit me on the stomach with the butt of the gun. The unborn child broke into pieces in my stomach. The baby boy died inside. It was God’s desire that I did not die too. The child was born afterwards, piece by piece. A head alone, then a leg, an arm, the body-piece by piece. (CCJP & LRF, 2007:83-84).

The woman’s testimony is among others representative of the kind of testimonies that were recorded. Her testimony however, is subject to interrogation, as we do not know for a fact whether it is anatomically possible for a foetus to be born piece by piece. This makes one think through her immensely descriptive testimony, and wonder if her real point was how the Fifth Brigade dismembered her family and her life. Taking some of the testimonies as the literal truth is problematic; one may have to read symbolic interpretations into them.

When the news broke that massacres were happening in Zimbabwe, foreign and local journalists reported the incidents, and they were deported for false reports about the situation. Nkomo accused the Fifth Brigade of being a “political and tribal army come to wipe out the Ndebeles” (*The Star*, 2/2/1983). He was then attacked by ZANU-PF ministers who insisted that the Zimbabwe African People’s Union (ZAPU) was plotting to “overthrow the government and the dissident activities had been devised to create a state of anarchy and virtual recession by the

province [of Matabeleland] from Zimbabwe” (*The Star*, 4/2/1983). Information Director, Justin Nyoka (1983) – ‘spokesmen’ of the regime - denied the reports, saying they were based on speculation and not facts, and accused the western media of distortions. He claimed that the victims in Bulawayo had told him that their attackers spoke Ndebele and not Shona (Phimister, 2008:200-201). There was a public call by an Anglican Bishop of Matabeleland for a commission of enquiry into reports of civilian massacres, which was in turn backed by Amnesty International (*The Financial times*, 4/2/1983; *The Star*, 14/2/1983). When the public outcry and press releases did not prompt the government to respond, the Zimbabwean Catholic Bishops’ Conference (ZCBC) released a pastoral statement condemning the killings and abuse of thousands of innocent people. The statement read: “incontrovertible evidence” of continuing “wanton atrocities and brutalities.... We appeal to the government to exercise its authority to put an immediate stop to these excesses and appoint a judicial commission charged with the responsibility for establishing the truth, apportioning blame and distributing compensation” (*Rand Daily Mail*, 30/3/1983). The government dismissed the pastoral statement and Mugabe also refused to answer to the allegations, and insisted that ZAPU dissidents, not the Fifth Brigade, had killed hundreds of innocent people (Phimister, 2008:200-201).

Mugabe later appointed an official four man commission of inquiry in 1984 - the Chihambakwe Commission chaired by Harare lawyer Simplisius Chihambakwe (Bickford, 2001:13), and another commission chaired by Justice Enoch Dumbutshena - to investigate the clashes between ZANLA and ZIPRA (Carver, 2000: 21). The commissions collected statements that provided evidence of the atrocities. It is not stated by Bickford (2007) what type of evidence was collected but it would most likely have been interviews that were conducted in Matabeleland. In 1985, despite earlier promises that the information would be shared, the government announced that the Chihambakwe Commission’s findings would not be released (Bickford, 2007:1013). Under the Commissions of Inquiry Act, the Prime Minister<sup>10</sup> is not obliged to publish the report of a commission (Carver, 2000: 21). When the government failed to release the findings the CCJP and LRF decided to speak out “to break the silence” around events of the 1980s, in a report entitled *Breaking the Silence: Building the True Peace in Zimbabwe in 1997*, and in 2007 released a 2007 edition entitled *Gukurahundi in Zimbabwe: A Report on the disturbances in*

---

<sup>10</sup> Subsequently the executive President

*Matabeleland and the Midlands 1980-1988*. The CCJP and LRFs aim was to allow those that had experienced Gukurahundi, to speak out and tell their stories as a way of healing old wounds with this hopefully leading to reconciliation. The report is important in that it allows for people who were not aware of the violence in the 1980s to understand the situation during that period, and to consider it as part of Zimbabwe's history. It would help build a more stable and democratic future for Zimbabwe, and ensure that the events of the 1980s do not recur. The Gukurahundi massacre is far from complete in its documentation the report produced by the CCJP and LRF was in order to document the events historically.

A copy of the original report was sent to the President and Cabinet Ministers, and since then there has been no official response, neither has there been an official truth commission. A truth commission is officially sanctioned by the state or an official party that wants to differentiate itself from the past and have state power behind them; it also means that they have power to say that they are working with "official" history (Bickford, 2007:1001). The CCJP and LRF report can thus be said to be an "unofficial truth telling project" (UTP) (Bickford, 2007:1001-1002) that was in a way ineffective, in that it did not compel the government to publicly acknowledge the victims' suffering by providing some form of economic reparation to the victims.

Official recognition is important in both a symbolic and practical way, in that it helps those that were affected to deal with the issues of the past. Official truth commissions have access to legal power and access to the national media. For example, the South African truth commission had powers to grant amnesty to those that had committed crimes in exchange for full disclosure about political crimes. The commission also had powers to search and seize, robust witness protection powers, the ability to name perpetrators in public forums, and the power to subpoena witnesses (Bickford, 2007: 1030). UTPs can make the truth known, but they have less weight in being able to acknowledge truth. They also cannot grant compensation, but they can create debate and dialogue about the importance of recommendations.

Dealing with the past has been important to nations in building a culture of human rights, confronting impunity, and strengthening democratic institutions. Along with this Carver notes that dealing with the past is important when strengthening a nation, and it involves telling the

truth about past human rights violations (Carver, 2000:3). The government and those in power should ensure that citizens are able to gain access to the unresolved history of human rights abuses in Matabeleland. The closest Mugabe ever came to admitting the truth was in July 2000, at a memorial service for Joshua Nkomo - where he described Gukurahundi as “an act of madness, we killed each other and destroyed each other’s property. It was wrong and both sides were to blame. We have had a difference, a quarrel. We engaged ourselves in a reckless and unprincipled fight” (Phimister, 2008:206-208/*Financial Gazette*, 4/7/2000). In a sense Mugabe was acknowledging responsibility for the massacres, it could have spelt out the spelt downfall of his government but it did not as he is still in power. Despite the 2000 Mugabe speech, the repeat calls since the 1990s for government acknowledgement of, and compensation for the mass violence in Matabeleland, have been ignored. This may also mean that politically the government of Zimbabwe, as well as Mugabe, think that they cannot afford the price that comes with full acknowledgement - such as official truth commissions and being removed from power. Mugabe in his speech reduces the massacre to a quarrel between hot tempered compatriots also indicating that he wants it to be buried and forgotten with Nkomo.

Carver notes that the “right to truth” about past human rights violations is an important aspect of the public’s wider right to know (Carver, 2000:7). Louis Joinet (1997) in a report to the United Nations defines the right to know as follows:

“This is not simply the right of any individual victim or closely related persons to know what happened, a right to the truth. The right to know is also a collective right, drawing upon history to prevent violations from recurring in the future. Its corollary is a “duty to remember”, which the State must assume, in order to guard against the perversions of history that go under the names of revisionism or negationism; the knowledge of the oppression it has lived through is part of a people’s national heritage and as such must be preserved. These then, are the main objectives of the right to know as a collective right” (Joinet, 1996:119)

If citizens cannot gain access to information about past human rights abuses, the government should explain why they do not allow the public to have access to information upon request. Although a citizen may gain access to information about the massacre there are problems of believing the evidence given by the reports, they caution us not to take anything as the literal

truth. The report contains many accounts that cannot be literally true but which carry great symbolic weight and therefore valuable and important archival resources.

### **4.3 Artists Exhibition Blocked by the State**

The idea of the archive is not merely textual but can be extended to the visual. In relation to the Gukurahundi massacre, a Bulawayo artist Owen Maseko was arrested on the 26th of March 2010 for exercising his right to freedom of expression and contribution to a process of national healing. Through his imagery one may think that Maseko believes in the importance of the public access to truth. Maseko and Voti Thebe, the Curator of the National Gallery in Bulawayo, were arrested for having an exhibition depicting the 1980s Gukurahundi massacres. It explored the violent period where it is said thousands of people were murdered by Mugabe's Fifth Brigade. The artist faced charges of undermining the authority of the President, inciting public violence, and causing offence to people of a particular tribe, race, religion, under the POSA. His paintings were hung on the gallery walls which had been painted red to represent blood, and some of the captions on the paintings read "they came and killed our brothers and they made us sing their songs while they killed our brothers." One of the paintings showed Mugabe and the late ZAPU leader Nkomo signing the unity accord, which led to the unity government and caused a brief stop to the massacres. Maseko's paintings could be described as an oppositional archive that is different from the CCJP and LRF report, in that it not only depicts captions, but also images instead of text - making the images readable for those who are illiterate. Nkomo is depicted lying across a table, with blood dripping down his shoulders - this painting may have been implying the death of the Ndebele and the rise of the Shona. Maseko and the Zimbabwe Human Rights Association's (ZimRights) attempt to hold the exhibition in Harare was blocked by the police. The staff at the Bulawayo art gallery was threatened by the police, and was ordered not to allow public access to the exhibition. Maseko's exhibition ended up not being shown at the Bulawayo art gallery because of the various threats to the organizers and the public. It was said it would be held at the Amakhosi theatre - a performance arts and culture centre in Bulawayo. It is not known whether they succeeded in this as coverage of the story in the newspapers stopped.

Phulu, the chairperson of the ZimRights association, noted that ‘the exhibition is lawful however there is nothing we can do to stop members of the state, members of the police from abusing us and stopping the exhibition from continuing’ (<http://www.swradioafrica.com/>). Soon after Maseko’s arrest, Amnesty International called on the Zimbabwe government to end repression of public debate on past and ongoing human rights violations. Amnesty International programme Director Erwin van der Borcht, noted that "President Mugabe and Prime Minister Tsvangirai should demonstrate their commitment to end human rights violations in Zimbabwe by publicly condemning attempts by police to silence activists and all charges against Owen Maseko should be immediately and unconditionally withdrawn" (<http://www.thezimbabwean.co.uk/>). The Global Political Agreement signed by Zimbabwe's three main political parties in September 2008, acknowledges the need for "national healing, cohesion and unity in respect of victims of pre and post independence political conflicts" as well as the need for creation of "an environment of tolerance and respect among Zimbabweans"(<http://www.thezimbabwean.co.uk/>).

What we observe from how Maseko and the public were threatened, and being intensely hounded by the state, is that the government and ZANU-PF continue their strategy of controlling information, and silencing all points of view that deviate from the ruling party’s patriotic history. It also shows how ZANU-PF is still attempting to regain lost political space in Matabeleland, as well as in Mashonaland - as ZANU-PF’s support is diminishing.

## Fresh charges against artist

Fortune Moyo

The trial of Owen Maseko, a Bulawayo-based artist, failed to take off yesterday at Bulawayo's Tredgold Building courts after the state brought fresh charges against him.

The artist was initially charged with undermining the authority of the President and for causing discomfort to people of a particular race, tribe, ethnicity and religion.

The charges arose after Maseko exhibited paintings depicting the *Gukurahundi* atrocities at the Bulawayo Art

Gallery.

The state, represented by Tawanda Zvekare, said Maseko was now being charged with publishing or communicating false statements with the intention of inciting hatred or violence and an alternative charge of undermining the authority of the President.

Maseko appeared before magistrate Ntombizodwa Mazhandu.

However, Maseko's defence lawyer, Lizwe Jamela from the Zimbabwe Lawyers for Human Rights objected to the trial taking off arguing the

accused was not aware of the new charges brought against him.

"The state is now presenting a new set of charges altogether from the initial ones which the accused was initially arrested for and has been coming to court for," Jamela said.

"Therefore, it would be prejudicial for the accused if he was now asked to answer to two sets of charges presented to him."

Jamela said the state had not given any justification or procedure for laying new charges against Maseko.

Figure 2: Article on Owen Maseko News Day September 14 2010

### 4.4 The right to truth

Maseko made a representation of the past through his personal means, he wanted the public to be able to access information, and also to promote debate around past human rights violations. However, because of the state police, the public was denied the right to receive or access to information, by being prevented from viewing the exhibition. The fact that the public came in their numbers and were being chased away from viewing Maseko's exhibition shows that the public still yearns for the truth about what happened regarding the Gukurahundi massacre. Carver (2000) and Article 19 (2000) agree with the above, in that they also believe that the right to truth about past human rights violations derives from the general right of access to

information. The right to truth can play an important role in the recognition of other rights - in Maseko's case it would be the right to freedom of expression.

The right to access information about past human rights violations is important. The government and those in authority should ensure that the public are able to gain access to relevant information (Carver, 2000:2). There have been problems that have resulted in the failure of the government to acknowledge and initiate full investigations into past human rights violations, such as failure of the mass population to trust the government, as well as the government's legislation which has also resulted in a wider gap between the various tribes. The government has drawn the line through the past as if nothing had happened, without first consulting the victims of those abuses. There is a need to find out who was responsible for the massacre and for the victims and their families to get reparation from the perpetrators. The search for the truth and justice for the unresolved history of human rights abuses in Matabeleland, has been unfruitful for the people of Zimbabwe, because the government has been refusing to acknowledge or publish the findings of the 1984 commissions of enquiry. Access to information about past human rights violations, usually helps in bringing the perpetrators of human rights violations to justice, reconciliation or resolving conflict between different groups. Access to past human rights violations also helps to provide compensation or restitution for the victims and provides public acknowledgment of the suffering of human rights abuses (Carver, 2000:4-5).

The Zimbabwe government must justify why they cannot make information available on request, because it is the public's right to know. It is the public's right to know based on the principles on freedom of information legislation of Article 19 (1999), which was endorsed by the UN Special Rapporteur on Freedom of Opinion and Expression. The OAS Special Rapporteur on Freedom of Expression states:

Freedom of information implies not only that public bodies accede to requests for information, but also that they publish and disseminate widely, documents of significant public interest, subject only to reasonable limits based on resources and capacity. Which information should be published will depend on the public body concerned. The law should establish both a general obligation to publish, and key categories of information that should be published (Article 19, 1999:7).

The UN Special Rapporteur also emphasizes the tendency of governments and the institutions of governments to withhold information from people who have the right to access it. The decisions of governments in terms of implementing policies of public institutions that have a direct and often immediate impact on peoples' lives, and decisions made without the informed consent of the public at large are also important (Hussain, 2000: 63). Issues of access to information about past human rights violations do not come only from the Zimbabwean people or from the international human rights law. As one Irish human rights activist puts it:

'The question, should we remember, is usually asked by people who have a choice. For many of the people in Northern Ireland, however, as in South Africa and Guatemala and elsewhere, there is no choice about remembering. Many of those who have been traumatically affected by armed conflict wake up in the night with nightmares. Every time they pass a particular street or place, they remember the dreadful event that took place there. When the calendar moves towards a certain date, anniversaries of deaths or losses, the memories come flooding back uninvited. Remembering is not an option - it is a daily torture, a voice inside the head that has no 'on/off' switch and no volume control (Hamber, 1998: 32).

Zimbabwe's failure to acknowledge the truth about past human rights violations has led to a rise in the number of non-governmental organisations such as the CCJP, LRF, Mafela Trust and Amani Trust. These and other non-governmental organisations have played an important role in investigations of the massacres. The communities and the non-governmental organisations have been innovative, and have managed to shift some perceptions about the past.

When the Matabeleland massacres ended as a result of the formation of the unity government, those responsible were given amnesty, but were not brought to justice. This benefited the security forces and the dissidents who had committed the abuses (Carver, 2000:21). One of those who benefited was Morgan Sango Nkomo, Known as 'Gayigusu', a dissident leader who was said to have been responsible for the massacre of missionaries at Esigodini in 1987, as well as other murders. Also benefiting, were 75 members of the security forces who were charged with offences relating to human rights, such as CIO official Robert Masikini who had a week earlier been convicted of a cold-blooded murder of a political detainee in his custody. Four members of

the Fifth Brigade soldiers who had been convicted of the abduction and murder of two men and two women in Matabeleland in 1983 were released (Carver, 2000:21).

There is a need for a proper account of Matabeleland's past human rights violations. The *Breaking the Silence* report only tells a small part of the story. There have been a number of reasons why the people of Matabeleland have not healed, besides wanting national acknowledgement. It is partly due to the discovery of mass graves in a number of unused mine shafts in Matabeleland South. The mass graves were discovered during the 1990s drought, that caused soil erosion. The CCJP and the LRF - with the approval of the community - then facilitated a ceremonial reburial as a way to help the victims' families to come to terms with the murder of their loved ones, and as a way to put their loved ones' restless spirits to rest (Carver, 2000:24-26). It would mark a profound change if the President and his government were to acknowledge the past and actually publish the findings of the Dumbutshena and Chihambakwe Commissions, and then further allow access to the records.

Access to official records is not only hindered by the execution of the NAZ Act, but is also informed by other laws of the country which make no provision for access to records deemed 'secret', 'confidential' or 'classified'.

#### **4.5 Conclusion**

The events surrounding the charges against Maseko, show that the unofficial oppositional archive is still being denied official recognition, and in some cases prevented from being accessible to the public. It has shown some of the efforts that have been made to recover the history of the massacre and has shown the difficulty in collecting and interpreting testimonies. It has been shown that it is difficult for victims to forget. As Smyth (1998) emphasizes, the point of remembering is not an option- it is a daily torture, a voice inside the head that has no "on/off", switch and no volume control (Smyth, 1998:32). It was also shown that the only way to try to heal the wounds of the victims, is to provide them with closure, and to ensure that the perpetrators account for their actions. A Guatemalan human rights activist, Robert Cabrera, underlines this point when considering the question 'should we remember?' It is very important to firstly ask, has any victim forgotten? Could they ever forget? Secondly, we should ask who

wants to forget? Who benefits when all the atrocities stay silent in the past? (Smyth, 1998:27). It has also been shown that the importance of the massacre being made an official report, is that it can then be recognised as being part of Zimbabwean history, and can then be included in state-sponsored school curricula.

It has shown how important patriotic history continues to be to the Zimbabwean government. It has shown that political parties benefit from silencing atrocities, not in the interests of general public or the nation. The government has power to use legislation to protect its interests. In addition it has shown that the people of Zimbabwe are entitled to their country's full 'nationalist' history, although it would overwhelmingly contradict the 'patriotic' history (Ranger, 2004: 218).

This chapter has shown that the right to access to information is an essential human right and the government's persistence in refusing to acknowledge its role in the massacre prevents the wounds it inflicted from healing and is an obstacle to national unity. In the past few years, the production of truth has become closely linked with reconciliation, for example with the South African Truth and Reconciliation Commission (TRC). Commissions of inquiry are important, because they are to do with the public's right to know, rather than the right to a remedy through the courts (Carver, 2000:37). In the next chapter, I will be discussing what is available in the South African archives, that refer to the massacre.

## CHAPTER FIVE

### 5.0 WHAT IS ACCESSIBLE IN THE SOUTH AFRICAN ARCHIVES THAT REFERS TO THE MASSACRE

#### 5.1 Introduction

In this chapter I will examine what is accessible in the South African Archives, that refers to the massacre, and how the information reached the archives.

#### 5.2 The South African History Archive

The South African National Archives did not have anything that referred to the massacre in their possession. I was then referred to the South African History Archive (SAHA). SAHA has a collection known as the Zenzo Christopher Nkobi photograph collection, that has images depicting the Gukurahundi era. The collection comprises 10,000 black and white 35 mm negatives - of which only 5,106 images have been scanned from negatives and slides. It was considered important to digitize part of this collection presumably because of Nkobi's status, his relationship to the African National Congress (ANC) and his job as Nkomo's official photographer. The photographs show Southern African liberation movements in exile from the early 1970s to the early 1990s. The images cover ANC and Zimbabwean refugee and military camps in Zambia and Botswana in the 1970s. The photographs include ones of the Zimbabwe People's Revolutionary Army (ZIPRA armed wing of ZAPU) military training camps, and of the Freedom Camp massacre, and other destabilization raids on Zambian soil by Rhodesian and South African troops<sup>11</sup>. Nkobi also photographed liberation movement leaders at major regional and international conferences, as well as people's daily lives in exile, in Lusaka and Maputo. In the 1980s, Nkobi recorded the return of exiles and the elections in Zimbabwe and images of Gukurahundi<sup>12</sup>.

---

<sup>11</sup> [http://www.saha.org.za/collections/zenzo\\_nkobi\\_photographic\\_collection\\_2.htm](http://www.saha.org.za/collections/zenzo_nkobi_photographic_collection_2.htm)

<sup>12</sup> Ibid

### 5.3 Zenzo Christopher Nkobi

Nkobi was a South African who worked as a professional photographer in the 1970s and 1980s in Southern Africa. He was the son of Thomas Titus Nkobi, who was a treasurer of the African National Congress (ANC). The Nkobi family left South Africa for exile in Germany in 1963<sup>13</sup>. Zenzo Nkobi then did his Masters degree in photography at the Academy of Graphics and Book Art in Leipzig, Germany. After completing his Masters degree in 1960 he worked as a press photographer at Berliner Zeitung - a Berlin Publishing house. Whilst working at the publishing house, he travelled to South Africa and Zimbabwe, taking photographs for the ANC and Zimbabwe African People Union (ZAPU). In 1977 he returned to Africa to live and stayed with his father and family in Lusaka and they later moved to Bulawayo in Zimbabwe<sup>14</sup>. In Zimbabwe he taught photography at a Technical College and ran his own photo studio. Nkobi was also the personal photographer of the late Joshua Nkomo, leader of ZAPU. He accompanied Nkomo to many conferences, in preparation for the independence of Zimbabwe<sup>15</sup>.

Zenzo Nkobi died in 1993 in Bulawayo, Zimbabwe, leaving his whole photographic collection to his wife, Edelgard Nkobi, who he had met and married in Germany. His wife was also a photographer. His wife then married Denis Goldberg, a former Rivonia Trialist in South Africa. When Edelgard Nkobi Goldberg later died she left the whole of the Nkobi collection to Goldberg, who donated it to SAHA in 2007<sup>16</sup>. The donated materials, include images from the book *Zimbabwe in the struggle*, published in 1978 in East Germany. The book has very little identifying data accompanying the materials, and it was difficult for the archivists at SAHA, to discern from the negatives exactly what events were recorded in the collection without further research<sup>17</sup>.

### 5.4 Zenzo Nkobi Collection on Gukurahundi

The pictures taken by Nkobi in relation to the Gukurahundi massacre, show a small group of people - predominantly women - protesting against Gukurahundi and the Defence Minister Enos

---

<sup>13</sup>Ibid

<sup>14</sup>Ibid

<sup>15</sup>Ibid

<sup>16</sup>Ibid

<sup>17</sup>Ibid

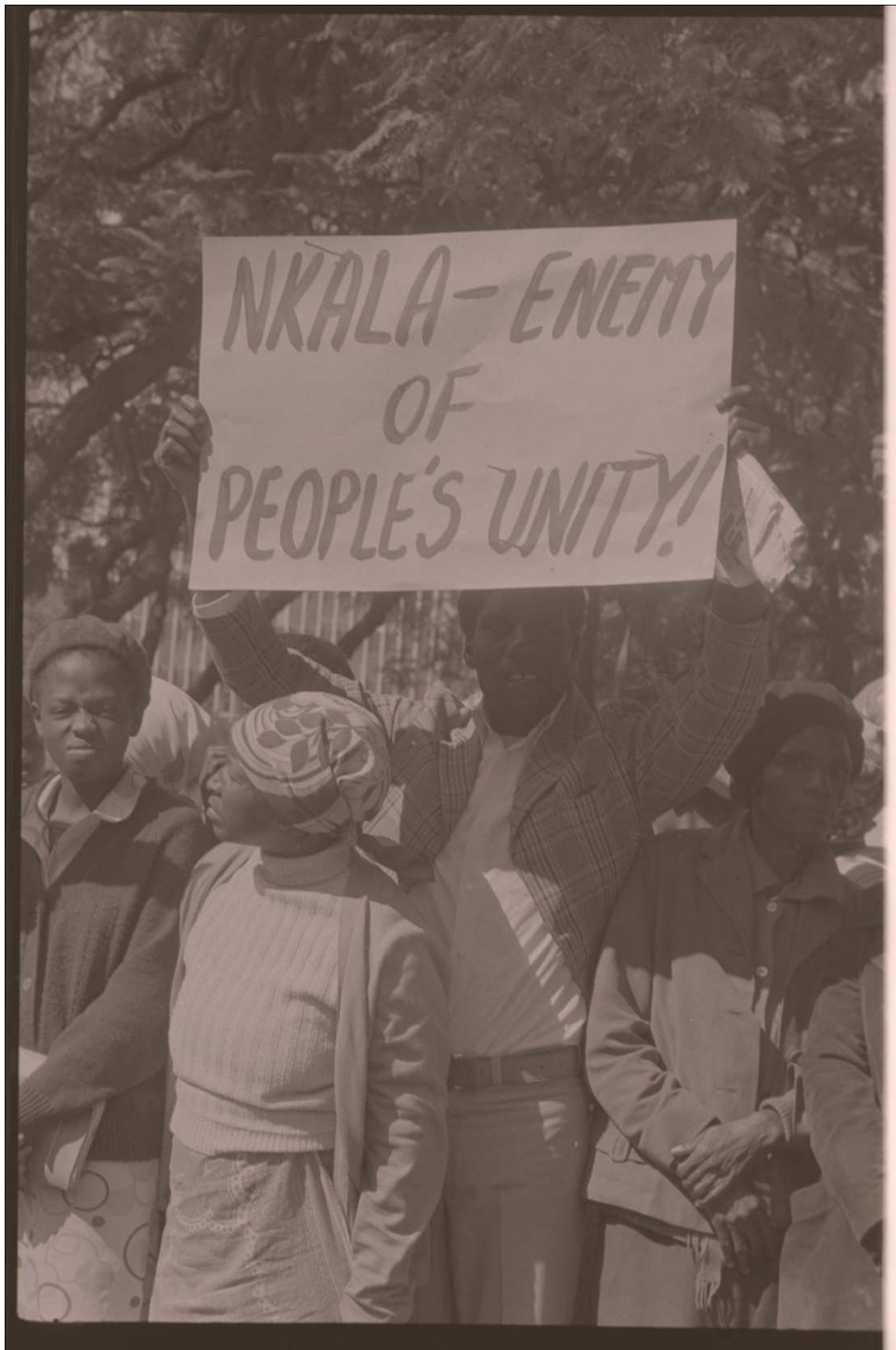
Nkala, who was one of the founders of ZANU. Nkala, as the defence Minister, was also involved with Gukurahundi, although he has denied such allegations<sup>18</sup>. The small group is shown in Figures 4 to 11 (below) - holding banners carrying messages such as “Nkala people want democracy and peace”, “Nkala enemy of peoples unity”, “advocate of tribalism and sectionalism”, “forget your day-dream about a one party state”, and many others:



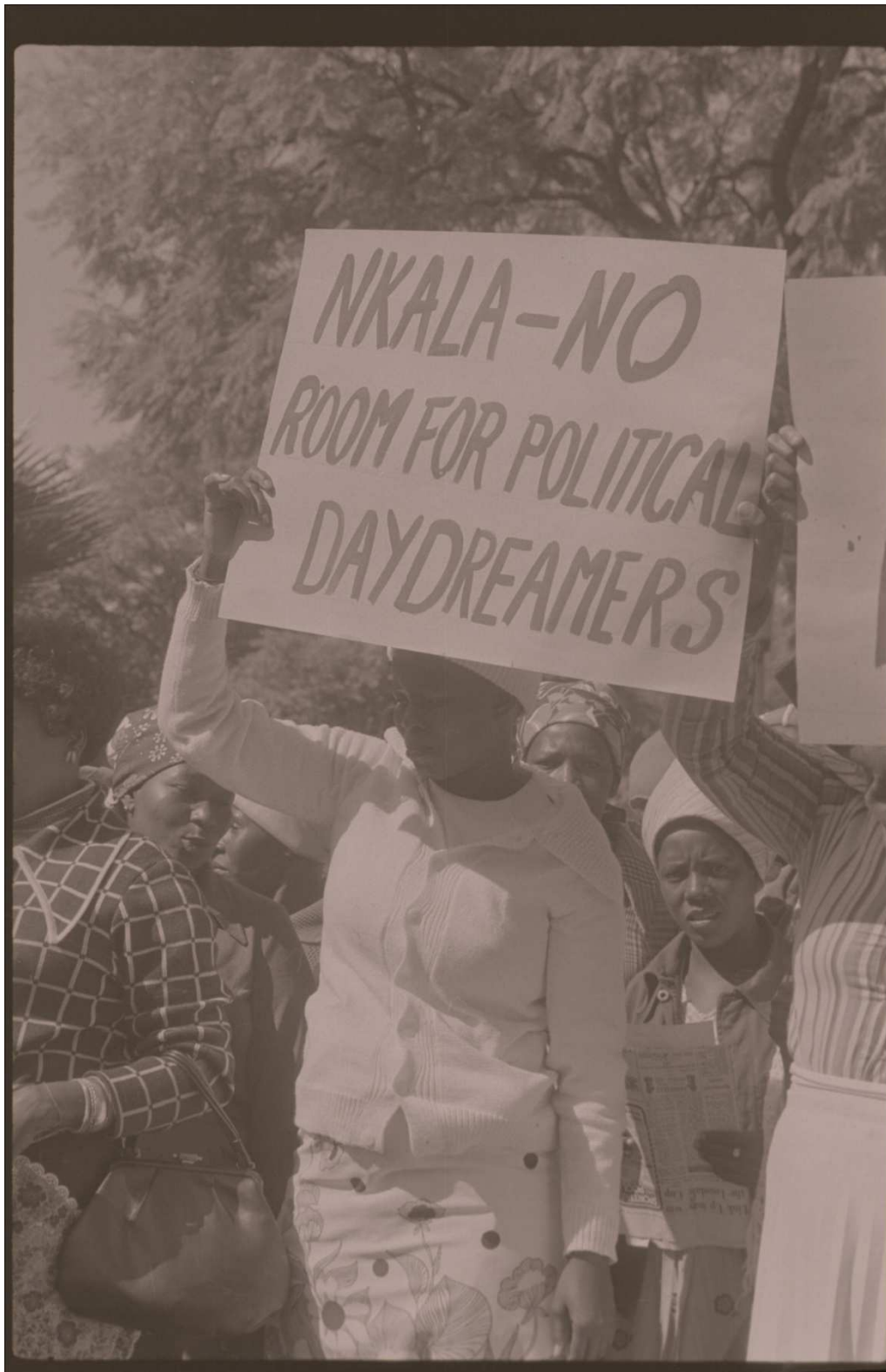
**Figure 3:© Zenzo Nkobi 1980 (South African Historical Archives)**

---

<sup>18</sup> [http://en.wikipedia.org/wiki/Enos\\_Nkala](http://en.wikipedia.org/wiki/Enos_Nkala)



**Figure 4: © Zenzo Nkobi 1980 (South African History Archive)**



**Figure 5: © Zenzo Nkobi 1980 (South African History Archive)**



**Figure 6: © Zenzo Nkobi 1980 (South African History Archive)**



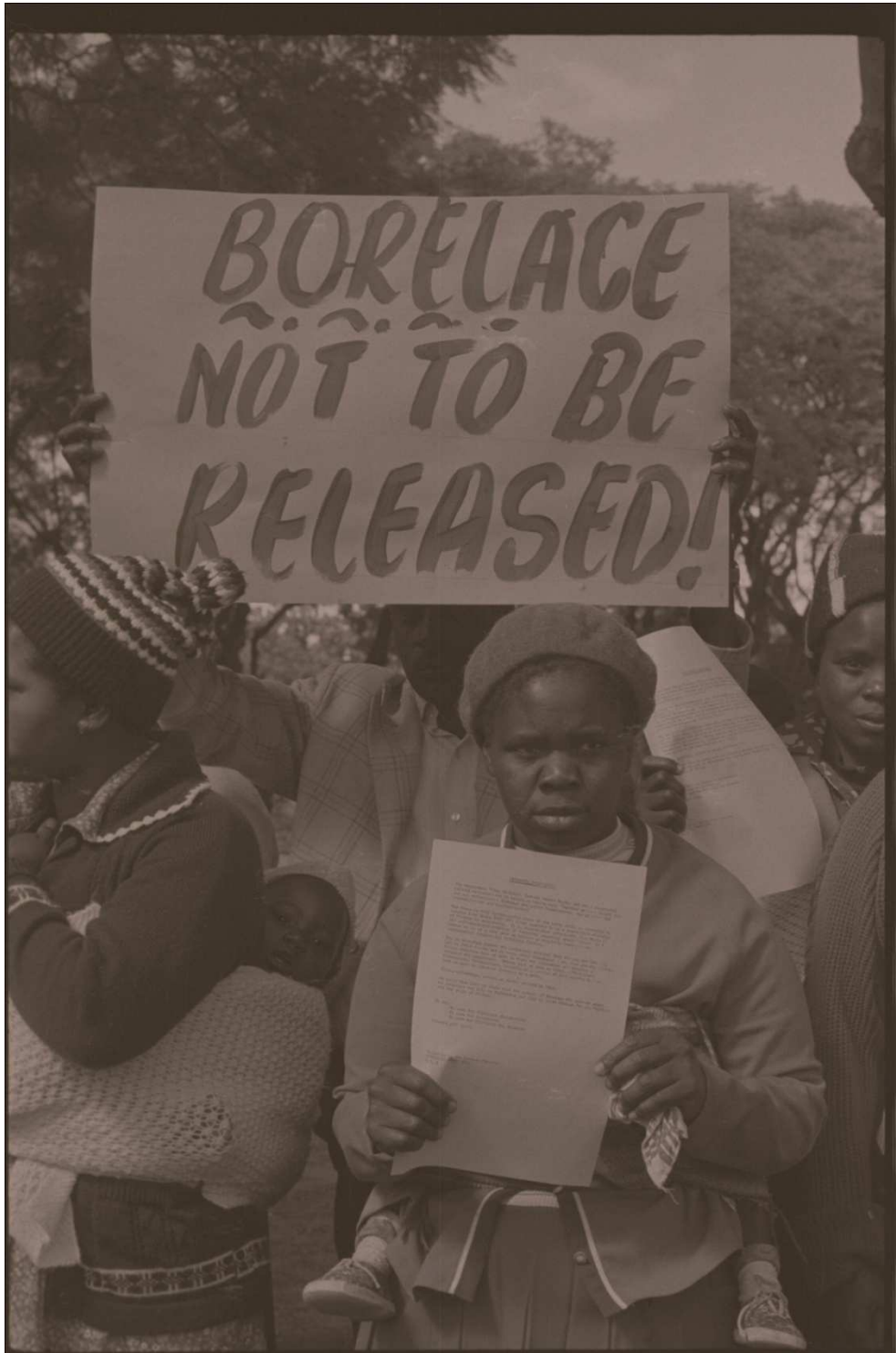
**Figure 7: © Zenzo Nkobi 1980 (South African History Archive)**



**Figure 8: © Zenzo Nkobi 1980 (South African History Archive)**



**Figure 9: © Zenzo Nkobi 1980 (South African History Archive)**



**Figure 10: © Zenzo Nkobi 1980 (South African History Archive)**

When one looks at these images, one notices that the women are aged about eighteen to thirty. One wonders who these women were, and how representative they were of a larger public and what impact they made through the protest - as no documentation was submitted to the SAHA with the photographs. Through their posters, one can conclude that they were highly literate. For example, one of the posters reads: 'Nkala advocate of tribalism and sectionalism' (Figure 9), suggesting that they had a high level of political education.

The images - although not directly relating to the massacre but relating to a protest against it - are an important part of Zimbabwe's history, as they may give us a clue as to why the Mugabe regime used the Fifth Brigade, and why it does not want to make available information to the public about the massacre and events associated with it. Mugabe may have realised that the implementation of the right of every Zimbabwean to education was a mistake as many of the now highly literate people wanted to 'take over' the government and were no longer blinded by the big words used by the regime to cover up misdemeanours. Hence the Fifth Brigade was sent to deal with them. The government may have also facilitated the massacres in order to ensure its' dream of a one party state, and by eliminating many influential people this could be achieved. The Mugabe regime may not want to 'open up' the massacre for fear of the nation realising that so many people they trusted are still in power today and were behind the ordering of the massacres or for fear of being removed from power by the Ndebele. Whilst these images are very suggestive, the story of the Gukurahundi massacre is not complete without official recognition, and inclusion in the official archives. Not that the massacre archive will ever be complete, but from the reports of the CCJP and the LRF there are still some missing elements which we may never know about unless the Government publishes the four man commission findings.

According to a very reliable source from SAHA, a hard drive comprising all the images regarding Gukurahundi that were taken by Nkobi was sent to the NAZ. I did not manage to view these images at the NAZ, although I had asked if they had any information at all on the massacre. I may not have been able to view the images, because they may not have reached the archive or could still be in the Records Centre.

In the final image (Figure 11), a man is seen carrying a board that says “do not free Borelace”, and a lady is holding a letter. Mr Borelace was being detained at the time of the demonstration in Zambia, on charges of espionage on Zambia and Zimbabwe; Borelace also had a distinguished career in the Rhodesian Air force as a pilot (<http://hansard.millbanksystems.com/commons/1980/may/07/southern-rhodesia-sanctions-and-amnesty>). From what I could discern from the image of the lady holding the letter, it is titled Patriotic Front (ZAPU), and speaks of a one party state that was advocated by Minister Enos Nkala. It speaks of unity and co-operation between all political parties; it also mentions that Borelace is to be released, and that there is no room for political grievances, no room for tribalism, and that unity is needed. The images are the only documents that SAHA has on Gukurahundi. However, Mafela Trust is planning to give SAHA their documents on the massacre for safe-keeping, as they have had various break-ins. SAHA also has contracted some people in Zimbabwe to conduct interviews on the Gukurahundi massacre in Matabeleland for their oral history collection.

Mafela Trust emerged from ZAPU/ZIPRA because they were concerned about the lost heritage of the nation. Mafela Trust began to gather records of interviews, photographs and publications. They also undertook visits to ZIPRA operational areas across Zimbabwe, identifying and locating liberation war fighters, graves and listing all the people who had died in or outside Zimbabwe, who were civilians or military personnel who had disappeared during the liberation war. The Mafela Trust’s aims and objectives were and still are, to heal the wounds of the armed liberation struggle, which left many dead people unaccounted for. The Trust was registered in 1992, but they have only managed to publicize their work in journals such as the *Horizon* and the *Parade* in 1990, 1992 and 1994 respectively.

The Trust has encountered many challenges, including the need for funding and support on national heritage projects and balanced space for acceptance to present the true ZAPU/ZIPRA story of the liberation struggle to the public. Funding has never been sufficient for the Trust to accomplish their priority projects, such as the completion of war death registers, rehabilitation of war graves, data collection from interviews, biographies of liberation war experiences and digitization of all valuable records. Until this day, large collections of assorted information and

materials have been captured amidst looming threats. Information on Gukurahundi can therefore be considered to be endangered records, and requires the people of Matabeleland's collective engagement, to prevent them from being removed.

## **5.5 Conclusion**

This chapter has shown what is accessible in the SAHA that refers to the massacre. It has shown images taken by Zenzo Nkobi of a protest against the Gukurahundi and Defense Minister Nkala. This chapter has tried to explain some of the imagery especially the banners held. The banners show how highly literate the people of Zimbabwe were and that they knew their rights. It has shown through the images that the massacres may have been facilitated to create the governments dream of a one party state through eliminating the highly literate and influential people this could be achieved.

It has shown that information on Gukurahundi can be considered endangered because of the Mafela Trusts' various break-ins. Due to this the Mafela Trust is planning to hand over its archives on the massacre to SAHA for safe keeping. In the next chapter I will be giving a synopsis of the findings of the research and conclusions made by the study.

## CHAPTER 6

### 6.0 SUMMARY AND CONCLUSIONS

#### 6.1 Introduction

This Chapter gives a synopsis of the findings and conclusions made by the study. It further provides recommendations for future research.

#### 6.2 Summary

The main problem addressed by this research report was that of the inaccessibility of some vital historical information at the National Archives of Zimbabwe (NAZ), because of government legislation preventing easy access to records of a sensitive nature (such as those of the Gukurahundi massacre). There is a strong move in the archival world to open up access to restricted records. Some countries like the United States of America, Norway, and Sweden and to some extent South Africa, have moved away from a blanket closure period and where the public is given access to all the government records at a very early age. It seems that it will be a long time, if ever before the Zimbabwean government approves such a practice.

It is worth noting the following in relation to access to closed records. The provision for creating departments to authorize access to its own records stored at the Records Centre is mainly aimed at the use of those records by the staff of that department, or by other government officials who have been authorized to look at the records by the creating department. Researchers can also make use of this facility, but they have to be given authority to do so and it may only be granted in exceptional circumstances. It can also be unfair, on the one hand, because to legislate for a closed period of 25 years and then give access to a few researchers is an unfair advantage and is at the expense of the research community at large.

In some exceptional cases, access has unintentionally been given to classified records, like in the case of Dr Musemwa, who wanted to acquire information about the politics of water supply in Bulawayo during 2001-2002. He was told he had to apply to the Research Council of Zimbabwe

(President's Office) and get permission; the council chambers had to sit and decide whether they could give permission. He did not receive it, but on his next visit to the archives he asked an archivist for the information, and was handed one file and he managed to look at the collection of documents in that file. In his attempt to get the second file, the chief archivist noticed what had happened, and took back the file. Dr Musemwa came to the conclusion that since it was the time of the presidential elections, they were turning researchers away because they had been given direct orders not to release any information without permission from the Minister.

### **6.3 Conclusions**

In conclusion, the report has highlighted the shortcomings of the National Archives of Zimbabwe, and has talked about the existence of the oppositional archive, which is not given official status. The oppositional archive suggests many possibilities, but the story will always remain incomplete without availability of the government's version. The oppositional archive versions need to be made freely accessible to the public. I have argued that it is important for the 'health' of Zimbabwe for national acknowledgement of the Gukurahundi massacre to take place and that the records of the massacre should be made available to the public. I have also argued for the proper management of records, in order to ensure transparency and accountability within registries and the National Archives. I have argued for the inclusion of the oppositional archive - in terms of the massacre - in school history books.

### **6.4 Suggested Way Forward**

The report dealt with the right to make closed records accessible to the public. The report has argued that the people of Zimbabwe have the right to access information about past human rights violations, in order to ensure healing, and that we learn from such atrocities and continue to be reminded that we should do everything possible to ensure that such atrocities do not happen again. It has also been noted that the Zimbabwean government should be accountable, and should acknowledge the atrocities in order to ensure national healing. The result of a lack of non acknowledgement or accountability is alienation that is likely to have a negative effect on future economic development in Zimbabwe (Amani Trust, 1998). The right to access should be

exercised by society and not just individuals. In that way there would be a possibility of legislation changing. Also shown was the extent to which records surveys are effective in improving the records management position of public departmental registries and ensuring that they get to the Record Centre in good time. Records surveys are an important function of the NAZ in the management of public records. The records survey should be a regular feature of the registry, because it ensures efficient management of public records, resulting in effective service delivery.

Departments' managing public records should foster a strong professional relationship with the NAZ and vice versa so that public records are well managed in order to enhance accountability for the government. The union developed between the NAZ and the registry, leads to the development of authentic archives and fruitful documentation of the nation's history. A closer professional partnership between the National Archives and the registry in terms of the management of records and information should be envisioned - with the former fully capacitated in all aspects to deliver ideal records management principles.

The Zimbabwean government should also allow freedom of information and access to government records through museums and artworks so that those who are not literate can understand the nation's history. They should also allow NGOs to assist them in this process. The people should also be allowed their own personal means of uncovering the past through the arts such as poetry, fiction, autobiographies and music. These approaches of uncovering the past are important because they are mechanisms of accountability and healing.

The question of access is a strong one in Zimbabwe. However, the number of people that one needs to consult before viewing official records leaves much to be desired. In fact, it is very tedious process. I end with Harris<sup>19</sup> (2007/2008:11): "The question of access immediately congregates a throng of strangers. How many strangers need to be consulted, by the law and by right, before the archive can be placed in the public domain?"

---

<sup>19</sup> Harris's essay began its life as a keynote paper for the conference "Archives and Ethics: Reflections on Practice," held at the University of Wisconsin, Milwaukee, in November 2007. A truncated version of the paper was published in the *Dutch Architectural Journal*, Volume 15 (2008). Elements of the paper have been used by Harris for several conference papers, and the essay has been through processes of refinement.

## REFERENCES

*Access to Information and Protection of Privacy Act* [Chapter 10:27] No.5/2002. Printed by the Government Printer, Harare.

Amani Trust, 1998. *Living with torture: Justice and Reparation after the Liberation War*. Harare.

Amani Trust, 1998. *The Psycho-social needs of survivors of organized violence and torture in the community*. Harare.

Article 19, 1999. *The Public's Right to know: Principles on Freedom of Information Legislation*. London, June 1999.

Bickford, L. 2007. "Unofficial Truth Projects." *Human Rights Quarterly* 29: 994-1035.

Cabrera, R. 1998. "Should we Remember? Recovering Historical Memory in Guatemala", In Brandon Hamber (ed.), *Past Imperfect: Dealing with the Past in Northern Ireland and Societies in Transition*. Published by Londonderry.

Carver, R. and Article 19, 2000. "*Who Wants to Forget?*" *Truth and Access to Information about Past Human Rights Violations*. London: Article 19.

Chachage, B. L. 2005. *Developing a model for a corporate records management system with special references to sustainability reporting in IRINGA district, Tanzania*. PhD in Information Science Thesis, University of Kwazulu-Natal.

Cook, T. 2001. 'Fashionable Nonsense or Professional Rebirth: Postmodernism and the Practice of Archives'. Published in *Archivaria* 51 (Spring 2001).

Derrida, J. 1995. *Archive Fever: A Freudian Impression*. Chicago: University of Chicago Press.

Dube, T. 2009. (National Archives of Zimbabwe). *Importance of legislation in archival development: the case of the national archives of Zimbabwe Act of 1986 at the conference on challenges and opportunities of managing archives and records in a changing environment*. UNISA, November 2009.

Ellis, J (ed.). 1993. *Keeping Archives*. Second Edition. D. W. Thorpe and the Australian Society of Archivists, Port Melbourne.

Garaba, F. 2004. *An Investigation into Archival Appraisal practices in the Member states of the East and Southern Africa Regional Branch of the International Council on Archives (ESARBICA)*. Master of Information Studies Thesis. University of KwaZulu-Natal, Pietermaritzburg.

Harris, V. 2008. *Ethics and the Archive: "An Innessant Movement of Recontextualisation"*. A truncated version of the paper was published in the *Dutch Architectural Journal*, Volume 15 (2008).

Harris, V & Hatang, S. 2000. "Archives, Identity and place: A Dialogue on What it (Might) Mean(s) to be an African Archivist", *ESARBICA Journal* 19.

Holland, H. 2008. *Dinner with Mugabe: The untold story of a freedom fighter who became a tyrant*. Penguin Books South Africa.

Hunter, G. S. 2003. *Developing and maintaining practical archives: a how-to-do-it manual*. 2<sup>nd</sup> ed. New York: Neal-Schuman Publishers, inc.

Hussain, A. 2000. *Report of the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression*. UN Doc. E/CN.4/2000/63, 18 January 2000.

Joinet, L. 1996. United Nations, Economic and Social Council, Commission on Human Rights, Sub Commission on Prevention of Discrimination and Protection of Minorities. *The Administration of Justice and the Human Rights of Detainees; Question of the impunity of perpetrators of human rights violations* (Civil and political). E/CN/4/Sub 2/1997/20/Rev.

Lowenthal, D. 2006. "Archives, Heritage, and History", in *Archives, Documentation and Institutions of Social Memory: Essays from the Sawyer seminar* ed. Francis X. Blain, Jr and William G. Rosenberg. Ann Arbor: University Michigan Press.

Mazarire, G. C. 2002. Ethical considerations for Zimbabwean archives and the digital challenge, *Innovation 24*: 39-44.

Mazarire, G. C. 2009. *Rescuing Zimbabwe's Other Liberation Archives in Documenting Liberation Struggles in Southern Africa*. Select papers from the Nordic Africa Documentation Project workshop, 26- 27 November, Pretoria, South Africa. Edited by C. Saunders.

Mckemmish. S, Acland, G. & Reed, B. 1999. "Towards a Framework for Standardising Recordkeeping Metadata: The Austrian Recordkeeping Scheme", *Records Management Journal*

Mnjama, N. 2005. *Archival landscape in Eastern and Southern Africa*, *Library Management 26*: 457-470.

Moyo, C. 2001. *Preservation versus access: the user and the Archives*. Paper presented to the XVI ESARBICA Conference on Archives, Harare.

*National Archives of Zimbabwe Act 1986 No. 8*. Printed by the Government Printer, Harare.

*National Archives of Zimbabwe Clients' Charter*, 1998. Printed by the Government Printer Harare

*National Archives Pamphlet*, 1998. Printed by the Government Printer, Harare.

Ngulube, P. 2003. *Preservation and access to public records and archives on South Africa*. PhD. in Information Studies Thesis, University of KwaZulu-Natal.

Ngulube, P. & Tafor, V. F. 2006. The Management of Public records and Archives in the Member Countries of ESARBICA, *Journal of the Society of Archivists* 27 (1): 57-83.

*Official Secrets Act [Chapter 11:09]*. Revised edition. Printed by the Government Printer, Harare.

Penn, I. 1994. *Records Management Handbook Vermont*: Gower Publishing Company.

Phimister, I. 2008. The making and meanings of the massacres in Matabeleland, *Development Dialogue Journal*, No. 50.

*Printed Publications Act [Chapter 25: 14]* Acts 12/1975 (s 26), 37/1977, 11/1985; R G N 1135/1975. Printed by the Government Printer, Harare.

*Public Order and Security Act [Chapter 11:17]* No. 1/2002. Printed by the Government Printer, Harare.

Raftopoulos, B & Mlambo, A. 2009. *Becoming Zimbabwe*. Jacana Media.

Ranger, T. 2004. 'Nationalist Histography, patriotic history of the nation: the struggle over the past in Zimbabwe'. *Journal of Southern African Studies* 30 (2) (June 2004), pp.215-234  
Published by: Taylor & Francis.

Smyth, M. 1998. "Remembering in Northern Ireland: Victims, Perpetrators and Hierarchies of Pain and Responsibility", In Brandon Hamber (ed.), *Past Imperfect: Dealing with the Past in Northern Ireland and Societies in Transition*. Published by Londonderry.

The Catholic Commission for Justice & Peace in Zimbabwe, 1997, 2007. *Gukurahundi in Zimbabwe: A report on the disturbances in Matabeleland and the midlands 1980-1988*. Published by Jacana Media.

Wells, K. H. 2006. *Ancestral Irrepressible: Marshal McLuhan and the future of the archive in Derrida's Archive Fever*, flusser Studeis.06.

### ***Newspaper Articles***

*Business Day*, 14 /05/1997.

*Daily News*, 14/09/2010.

*Financial Gazette*, 4/07/2000.

*Financial Times (The)*, 4/02/1983.

*Star (The)*, 14/02/1983.

*Sunday Mail*, 30/08/1981; 24/07/1983; 5/02/1984; 11/05/1986; 8/06/1986.

### ***Websites***

Thurston <http://www.acarm.org/documents/issue36/36.12%2...>

<http://www.thezimbabwean.co.uk/>

[http://www.saha.org.za/collections/zenzo\\_nkobi\\_photographic\\_collection\\_2.htm](http://www.saha.org.za/collections/zenzo_nkobi_photographic_collection_2.htm)

Records Management <http://www.nationalarchives.gov.za/rms/bestpracticehtm>

<http://www.swradioafrica.com/>

[http://en.wikipedia.org/wiki/Enos\\_Nkala](http://en.wikipedia.org/wiki/Enos_Nkala)

<http://hansard.millbankssystems.com/commons/1980/may/07/southern-rhodesia-sanctions-and-amnesty>



## NOTES

### Page No.

The first page of each new deposit or consignment must begin with 1.

### Deposit No.

Deposits or consignments should be numbered from 1, consecutively; however, when an office makes several deposits a year, there is no objection to numbering them 1/67, 2/67, 3/67, 1/68, and so on.

### Box, Bundle or Volume No.

This is in fact a running number given by depositing offices and beginning at 1 with each new deposit. *Do not* put file numbers in this space. Once the deposit has been processed by the National Archives, this number is of no further use, as all reference to the material will be made to location and box numbers.

### Description of Records

Indicate the kind or class of records, giving brief particulars and, where applicable, file numbers. For example—

Criminal records 1-500 . . . . .	1962
Criminal records 501-642 . . . . .	1962
Criminal record book . . . . .	1951-1962
Inquests . . . . .	1950-1963
Correspondence:	
D/2 Dog tax . . . . .	1960-1965
F/2 Fire-arms . . . . .	1961-1967
H/4 Hospitals . . . . .	1962-1965
P/1 Old age pensions, etc. . . . .	1964-1966
Cash vouchers 1-980 . . . . .	1966 Jan.
Receipt books . . . . .	1967 Jan.-Dec.
Cheques (paid) . . . . .	1966

### Destruction Date

Where a Department has Standing Instructions for the disposal of those of its records being deposited, the retention period should be noted in this column. Records with similar disposal periods should be boxed together, as far as possible. For example, records with a 3 to 5 year retention period could be placed in one box; those with a 6 to 10 year in another; and those for Preservation in another.

If there are no Standing Instructions for the records in question, leave this column blank. You will be consulted in due course about the disposition of such files.

### Records Centre

The Records Centre is that part of the National Archives organization which stores current and semi-current records on behalf of depositing offices. Those records that are worthy of preservation are transferred to the permanent archival collection when they mature to the age of 30 years. The Records Centre maintains a rapid information and file issue service for depositing offices.

The Records Centre's slogan is: "*Your records are as near as your telephone.*"

## INTERVIEWS

All interviews were semi-structured and were focused on drawing out the participants' interpretations of their own experiences working with archival materials, or attempting to access restricted materials. I started each interview by introducing myself and the purpose of my research.

### **Interview with Samson Mutsagondo, Thursday September 9, 2010**

**Nokuthula** (interviewer)

**Question:** *What is the national archive all about what does the Zimbabwe National Archives comprise of?*

**Mutsagondo:** The National Archives of Zimbabwe is made up of four sections, the Records Centre, Research and Public Archives, Library and Technical Section, that comprises of oral history, audiovisual and conservation. The National archive itself is under the Department of the Ministry of Home Affairs.

**Nokuthula:** *You work mainly at the Records Centre; where does the information housed in the Centre come from?*

**Mutsagondo:** It comes from all government departments, the Records Centre and the National Archive are given power by an Act of Parliament, the National archives Act of 1986 to inspect, receive and accession records. The Records Centre is mandated by the Act to take care of government records for more professional storage, but whilst they are at the Centre the government departments can come and request for their documents, as they are not yet public archives. We ask the departments to bring back the files as soon as possible, but some do not and all we can do is call them and remind them to bring them back as the Records Centre does not have powers to prosecute them for not bringing back the file.

After having kept departments' records, for example hospital records for mental patients, we have to decide whether or not to preserve or destroy the records.

**Nokuthula:** *How do you know how long to keep the records and whether or not you should destroy them?*

**Mutsagondo:** We use this book known as the stand-by instruction; it was inherited from the colonial times, for example if you take a look here, it tells us how long to keep the records for at the Centre, and when to appraise and distinguish, whether to preserve or destroy. Some records are destroyed after 6 to 10 years depending on the type of record. The stand-by instructions are now out-dated though, as some records do not have classification. They have to be changed to accommodate new types of records.

**Nokuthula:** *Who decides what should be in the stand-by instructions, what should be added in and what should be subtracted?*

**Mutsagondo:** It is done by a records committee, which is made up of an archivist from the Records Centre, a chief archivist, an overall head of all record centres in the country, and selected historians from the University of Zimbabwe.

**Nokuthula:** *Does the Records Centre also receive records from the private archives/oppositional archive?*

**Mutsagondo:** Private archives are not mandated to give records to the Records Centre, but if they have information that is of interest to the state, they are asked politely to hand them over to the state, like what was done with the Rudd concession which was in the hands of an individual.

**Nokuthula:** *Have records at the Centre that were not meant to be destroyed ever destroyed? if so, what was done about their destruction?*

**Mutsagondo:** Yes, there have been cases where documents that were not meant to be destroyed got destroyed without permission, but nothing has ever been done about such cases. No one has been prosecuted yet, and maybe it's because we have more problems to worry about that people do not take notice.

### **Interview with Ivan Murambiwa, Monday September 4, 2010**

**Nokuthula:** *What is the nature of the archive of Zimbabwe in relation to the Gukurahundi massacre?*

**Murambiwa:** The nature of the archive in Zimbabwe is that it is dispersed. The National Archive does not have all records on the history of Zimbabwe, but some are found locally in private archives such as the Mafela Trust and internationally. The records of the massacre are a problem, as it is known which department created the records, but it was an official record.

**Nokuthula:** *What is the nature of the Archive of Zimbabwe's mission?*

**Murambiwa:** To preserve and acquire and provide access to records to the public.

**Nokuthula:** *Do you think the department is living up to its mission?*

**Murambiwa:** To a certain extent we are, but because of staff shortages and financial challenges we are unable to fully live up to the mission. I have noticed that you are asking a lot of questions that require a lot of thought, of which some I cannot answer now; I will have to refer you to Mr Maboreka, as he will be able to assist you.

## Interview with Danmore Maboreka, Thursday September 9, 2010

**Nokuthula:** *Can you describe what the National Archive of Zimbabwe is about?*

**Maboreka:** Well, the headquarters of archives in Zimbabwe is in Harare. Public records come into the archive from government departments dealing with public issues in Zimbabwe. The records go to the Records Centre, which is the extension of the public registry which manages information from the various ministries, brought in their semi-current stage. Records seen to be of enduring value are not destroyed, and are kept at the Records Centre for a stipulated amount of time, according to the law in Zimbabwe. After the years have lapsed, they are transferred to the Research and Public archives, where they are described and arranged for use by public researchers who come to access information.

We as the Records Centre also carry out records inspection surveys to make sure that departmental classification systems are being used. They are important in ensuring better service delivery for the departments. For some departments, instead of asking them to bring their records to the Centre, an archivist goes to the department and inspects the records, and if they are not worth preserving, the department is ordered to destroy them in order to create space, rather than taking them to an already overloaded Record Centre.

Some departments are filled with records; this is because sometimes we would not have been able to conduct a records survey and we will have been unable to inform them to bring their records to the Centre or to destroy them. Some registries, however, are filled with records because they will have been unable to enforce the recommendations after a records survey.

I like the way in which South Africa has ensured accountability and efficiency in the management of records, by designing filing systems in government offices. Their public records are appraised by the National Archival institution that exercises control over records.

**Nokuthula:** *What should be done by the Records Centre to ensure that registries are not turned away?*

**Maboreka:** The National Archives should clear up the backlogs, because information that has been due for transfer to the Research and Public Archives is still at the Records Centre. The delay is also due to staff shortages.

**Nokuthula:** *What in your opinion is the main weakness of the National Archives of Zimbabwe?*

**Maboreka:** The National Archive does not compel the public domain to deposit items they may consider archival; this could be the reason why we may not have certain documents in the archive. The management of records is full of corruption, that's why you may not get the information you are looking for in the archives, but in the public domain. The public domain are being controlled, therefore the failure to access such records.

**Nokuthula:** *What factors impact or effect access to official records in Zimbabwe?*

**Maboreka:** There are many factors that impact access to records in Zimbabwe, namely the 1986 National Archives Act, that impacts access by the various laws placed in the Act. You should look for the Access to Information and Protection of Privacy Act, Official Secrets Act, and Public Order and Security Act, these laws also hinder access to material in the National Archive.

**Nokuthula:** *What is available and accessible in the National Archives in Zimbabwe or in government departments which deals with or refers to the massacre?*

**Maboreka:** As far as I know the only information we have are newspapers, and they do not speak about the massacre per se, but the events surrounding it. The newspapers are housed in our Bulawayo archive. But with the politics of this country, access is restricted to the information from massacre years, as those years were sensitive and the information is still sensitive to speak about, let alone release the information to the public.

**Nokuthula:** *Have you ever had the experience of being ordered to destroy archival documents?*

**Maboreka:** No, I have not but there have been cases where documents have been destroyed without the director's approval. But nothing has ever been done about the individuals who have destroyed the records.

**Interview with Doreen Ndebele and Duduzile Khumalo, Monday September 13, 2010**

**Nokuthula:** *Do you enjoying working at the Records Centre and the Public Archives and Research section? Do any of the departments have records on the Gukurahundi Massacre?*

**Ndebele:** Yes, I do. I am not so sure whether there are documents on the Gukurahundi Massacre as I am new here, but the Records Centre has some documents which have passed their retention period, which may be extremely useful to researchers, but for some reason or another they have not made their way to the public archives.

**Khumalo:** Yes, I enjoy working here. The records on the Gukurahundi Massacre that you are looking for are no yet accessible in the Public archives and Research section.

**Nokuthula:** *Are you sure about this?*

**Khumalo:** Yes, I am. Well, we are told that when we are asked about sensitive records such as the one you are asking for, we should inform the researcher that they are not yet accessible.

**Nokuthula:** *So is there a possibility that the records are in the archive?*

**Khumalo:** Yes, there is.

### **Interview with Samson Chimuti, Tuesday September 14, 2010**

**Nokuthula:** *What do you think are some of the weaknesses of the Act governing the Archive of Zimbabwe?*

**Chimuti:** It would mainly be that the director is not given power, although the Act implies that he has power and is in control. The director is not always in control of what information comes into the archive, and whether or not it is of value.

The director cannot instruct ministries like the Ministry of Defence to deposit records he/she deems important. The director has to first ask for permission from the Office of the President before doing so.

The Act also states that the director is meant to manage records whilst they are still in their various departments, and give recommendations if they are not living up to the standards. However, after recommendations have been sent, the departments do not implement any of them, for example acquiring trained staff to manage records.

### **Interview with Lindiwe Masumbuko, Thursday November 25, 2010**

**Nokuthula:** *What types of books are housed in your library? And when was the library founded?*

**Masumbuko:** The library was formed by an acquisition in 1936 of the Hiller loan collection. It is a legal deposit library that houses books, newspapers and periodicals on all subjects in Zimbabwe. The library is an important department in the National Archives, because archivists refer to it in order to know what books have been published. The library is divided into three parts, the main library, the reference library and the technical library.

**Nokuthula:** *Is the library also governed by the National Archives Act of 1986?*

**Masumbuko:** No, the library is governed by its own Act known as the Printed Publications Act of 1975. The Act makes it compulsory for all the books written by Zimbabweans and publishers to deposit a copy in to the library.

**Nokuthula:** *Have there ever been cases where publishers and writers do not adhere to the Act?*

**Masumbuko:** Yes, there have been, but nothing has ever been done about it, although a writer and publisher who fail to deposit a copy are considered guilty of a crime. All books before they are published are meant to apply to the Library for an ISBN number, with the exception of circulars and catalogues. I issue out the ISBN numbers, and the writers and publishers give their word that they will return a copy. I do follow up, but because of transportation issues the librarians cannot get to the publisher.

**Nokuthula:** *Do books ever go missing?*

**Masumbuko:** Yes, they do. I think they are mainly taken by staff or researchers. To carry on from what I was saying before about the deposited books, some of the deposited books we do not keep them on the shelves as some of them are banned books. The book that you have on the Gukurahundi Massacre is a banned book, ours went missing. One can only view a banned book as long as they explain why they want to use it. The director decides who gets access to the books.

**Nokuthula:** *What is the exact nature of the National Archives Act of 1986?*

**Masumbuko:** It is mainly an administration Act excluding the legal deposit Library

**Nokuthula:** *What do you think about the issue of access to records such as the Gukurahundi Massacre?*

**Masumbuko:** Firstly, I am not so sure whether the archive has the massacre records, as there have been many researchers who have come asking for them, but have left the archive empty

handed. What I always ask and never get a reply to, is whether the massacre was an official record. It would be easier if we knew what the creating department was of the records, and we would then be able to find out if it was official. I have seen newspapers though, but they do not say much about the massacre. I just hope that the events were captured during the time of the massacres, as authenticity of a record is usually captured then.

#### **Interview with Livingstone Muchefa, Thursday November 25, 2010**

**Nokuthula:** *What do you do with the records that have come from the Records Centre?*

**Muchefa:** We describe each record in an inventory, and we place them in special archival boxes. Records that are transferred from the Records Centre become Public property, and anyone can have access to them.

#### **Interview with Dr. Muchaparara Musemwa, Wednesday March 23, 2011**

**Nokuthula:** *What are your experiences with trying to access records from the National Archives of Zimbabwe?*

**Musemwa:** Getting access to records in Zimbabwe can be such a long process. Back in 2001-2002, I wanted to acquire information about the politics of water supplies. I was told to apply to the Research Council of Zimbabwe, which is a part of the President's Office.

**Nokuthula:** *Why would you have had to apply to the Research Council of Zimbabwe to access the records? You are a Zimbabwean citizen, and only foreign researchers are meant to apply before getting access to any records.*

**Musemwa:** I think maybe it was because it was the time of the presidential elections, and the municipal council of Bulawayo and the director of the national archive had been instructed by the president's office not to release any information that could be detrimental to the presidential

campaign. The whole procedure of trying to acquire access, lasted about a month, the council chambers had to sit and decide whether to give access to me to the records.

**Nokuthula:** *Did they tell why they could not give you access?*

**Musemwa:** No, they usually do not. If one wants to gain access to records, it is important to have someone from the inside. Who you know matters.

On one of the occasions when I visited the archive, I asked for the information on water supplies as if it was for the first time. To my surprise I was handed over one of the files, when I wanted to collect the next one the then chief archivist Mark Ncube noticed, and took back the files. I had, however, by then gathered a lot of the information I needed.

It is amazing how the National Archive will tell you that they do not have a collection of files that they in fact have. By doing this, they are turning researchers away, and sometimes as a researcher you have to look for the loopholes in the National Archive.