

The Contribution of Mass Graves to Healing and Closure: The Case of Chibondo in Mt Darwin, Zimbabwe

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ABSTRACT

The contribution of mass graves to healing and closure has not been fully investigated, especially regarding what kind of contribution mass graves can make to healing and closure, truth finding and apportioning accountability for gross violations of human rights. This article broadly discusses national healing by analysing how human remains discovered at William Monkey Mine at Chibondo farm in Mt Darwin District of Zimbabwe were handled. The article argues that the manner in which the mass grave was handled by the various stakeholders was tantamount to a travesty of justice which deprived the nation in general and the families of those who disappeared in particular an opportunity to learn about, *inter alia*, the victims' causes and time of death. This discussion concludes by noting that the manner in which the Chibondo mass grave was handled set a bad precedent for other mass graves, both discovered and undiscovered within and outside the borders of Zimbabwe.

KEYWORDS: exhumations, mass grave, Chibondo, Zimbabwe, closure, healing and closure.

INTRODUCTION

Mass graves have been used by a plethora of organisations such as terrorist groups, militias and governments to, *inter alia*, bury their victims in a bid to hid the evidence of their heinous actions and also prevent the possible individual identification of the victims (Juh 2005: 3). Such acts constitutes crimes against humanity are prosecutable under Article 1 of the Rome Statute of the International Criminal Court (ICC). It has become the norm that where mass graves have been identified, forensic experts are mandated to identify the bodies and in a way assist in ascribing responsibility while

affording the families of the victims opportunities to bury their relatives in accordance with their cultures and religions. This practise helps heal communities fractured by human rights abuses such as mass disappearances and summary executions.

By definition a mass grave is one with more than one body, usually those of civilians, be they identified or unidentified. This definition excludes graves containing the bodies of soldiers or combatants that fell during armed confrontations. Mass graves contain the bodies of victims of gross human rights violations, usually extrajudicially, summarily or arbitrarily executed (Sierra Leone TRC Report, Part 3, 2003: 10). Thus bodies in a mass grave are usually found dumped in a haphazard manner, a sign of the manner in which they were dumped.

The government in Zimbabwe was presented with a great opportunity to prove its mettle in spearheading national healing when a mass grave was discovered at William Monkey Mine situated on Chibondo Farm in Mt Darwin District in Mashonaland Central Province. According to the Zimbabwe Broadcasting Corporation (31 March 2011), the mine contained more than 640 bodies of victims of human rights abuses. According to the same report, these remains were discovered in 2008 by an illegal gold miner who crawled into the shaft while digging for gold. Initially, the exhumations were undertaken by a voluntary organisation, composed mainly of Zimbabwe African National Union Patriotic Front (ZANU PF) aligned war veterans called the Fallen Heroes Trust. Eventually the exhumations were taken over by the Ministry of Home Affairs. As shown on Zimbabwe's state television, the bodies were bundled into plastic bags and old sacks, presumably awaiting reburial. The official discourse, as put across by the state broadcaster, the Zimbabwe Broadcasting Corporation, was that the exhumed bodies were of those liberation war fighters killed by the Rhodesian Security Forces in the 1970s. This version of events was not easily acceptable culminating in calls from various sectors to engage qualified personnel in the whole exercise, starting with the exhumations. However, in a move which can be likened to the deliberate contamination of a crucial crime scene, the government was reluctant to commission such an exercise.

However, as will be argued in this article, this was not the case in Zimbabwe, as the government advocated for other non-scientific methods of identifying the bodies. Articulating the government's position on calls to engage forensic experts to identify the remains, a politician from the local area who was also Indigenisation and Empowerment Minister, Saviour Kasukuvere, was quoted in the media as saying:

forensic tests and [Deoxyribonucleic Acid] DNA analysis of the remains will not be carried out, instead, traditional African religious figures will perform rites to invoke spirits that will identify the dead (The Daily Mail Reporter: 31 March 2011).

Kasukuvere reiterated that this was in line with the demands of the spirits of the war dead, which had long 'possessed' villagers and children in the district. This event happened during the tenure of the Government of National Unity between ZANU PF and the two Movement for Democratic Change (MDC) factions, which rendered the case susceptible to politicking. While the ZANU PF part of the GNU was blaming white Rhodesians and their agents, as revealed by Kasukuvere's position, the main

MDC faction blamed ZANU PF for the atrocities. This division on the position of the government was evident when then Deputy Minister of Justice and Legal Affairs Obert Gutu made pronouncements that were at a tangent to those coming from ZANU PF. While delivering a public lecture at the University of Zimbabwe in May 2011, Gutu is on record as blaming the state broadcaster for fanning violence, national hatred and divisions (ZimEye: 2 April 2011).

Gutu also blamed the government for double standards, arguing that blaming colonial Prime Minister Ian Smith for the atrocities without admitting its own atrocities would not bring national healing. For Gutu, the government had to begin by admitting its own atrocities, apologising for the 1981-1983 genocide known as Gukurahundi and follow the apology by holding a national memorial in honour of all the victims of human rights abuses. Gutu's observations were in agreement with those of most non-governmental organisations especially the Catholic Commission of Peace and Justice and the Legal Resources Foundations who carried out studies in the two provinces of Zimbabwe affected by the genocide and found out that the communities were in need of healing and closure. One such healing mechanism identified was the accounting for all those who disappeared and the formation of Community Trusts as a way of memorialising the victims and the events that led to their deaths.

This led the decision by the government to use spirit mediums to identify the bodies of the victims exhumed at Chibondo to be treated with suspicion by leading forensic anthropologist Shari Eppel who called for the use of what she termed an 'expert eye' at the site (CBC News: 31 March 2011). According to Cordner and McKelvie (2002: 867-884), there are three categories of experts needed to establish the truth about exhumed human bodies beyond any reasonable doubt. These are medical and health care experts, specialist scientists and, finally, other professionals who include crime scene examiners, interviewers, ordinance experts, mortuary technicians and fingerprint experts (Cordner and Mckelvie (2002: 870). None of these experts were available at Chibondo when William Monkey Mine was exhumed. Based on the above, it can be argued that instead of opening up the space for national healing, the Chibondo mass grave ended up creating serious controversies. These are discussed below.

THE CONTROVERSIES SURROUNDING THE CHIBONDO EXHUMATIONS

A number of controversies resulted from the exhumations at Chibondo mass grave, particularly from the manner in which the government handled the mass grave. Foremost of these was that the government's decision to allow the exhumations to be conducted by people with no forensic training. The result was that whether done knowingly or unknowingly, this appeared as a deliberate attempt by the government to contaminate the scene, thereby giving credence to the view that the government intended to conceal some evidence. According to Michelle Kagari, Amnesty International's Deputy Director for Africa, the government never called any experts to work on the site; instead it actually turned away experts who wanted to be involved in the project (Amnesty International: 6 April 2011).

The exhumations by unqualified private citizens were stopped only when the Zimbabwe African People's Union (ZAPU) military wing, the Zimbabwe People's Revolutionary Army (ZIPRA), obtained a High Court order stopping the Fallen Heroes Trust from exhuming human remains at William Monkey Mine. Amnesty International's Senior Researcher Simeon Mawanza noted that professional handling of the site was lacking, which in turn deprived the investigators of a chance to establish the truth and the families of the victims a chance to achieve closure (Amnesty International: 6 April 2011). Consistent with the views noted above, Mawanza posited that the Chibondo mass grave was not treated as a crime scene where exhumations require professional forensic expertise to enable adequate identification of the victims, determination of cause of death, determination of time of death and the consequent criminal investigations (if any). Forensic identification of the bodies was required to ensure that families of the victims were given the remains of their family members for burial in accordance with their traditional and religious belief systems.

Amnesty International (6 April 2011), contended that contrary to the government's version of events, that the victims buried at Chibondo were all victims of the Rhodesian Security Forces killed around the 1970s, some of the bodies were still decomposing or still had flesh on them. More evidence suggesting that at least part of the atrocities were a recent occurrence was found in the clothing of the victims, which had not yet decomposed. Most interestingly was the fact that some clothing and shoes were recent brands such as Weinbranner shoes. This point to a possible double act by the Smith and Mugabe regimes as both may have used the same disused mine shaft to get rid of bodies of human rights abuse victims. According to Shaw and Gotora (Independent on Line: 31 March, 2011), the presence of some corpses still with skin, hair and body fluids raised doubts over claims that white colonial-era troops had committed the massacres more than 30 years before. University of Pretoria forensic anthropologist Maryna Steyn agreed and noted that human remains should not give off a strong stench after 30 years (quoted in CBC News: 31 March 2011). This suggests a government afflicted with bipolar disorder, a government that denounces violence, institutes the Organ on National Healing, Reconciliation and Integration during the day and commits human rights abuses at night.

There was also a strong likelihood that the site was contaminated as it was not sealed off in line with international best practices in exhumations (Naidoo, in Shaw and Gotora: 2011). International standards of exhuming human remains stipulate the proper establishment of the cause(s) of death, ensuring proper identification and, where possible, the return of the remains to family members. None of the above occurred. The mishandling of Chibondo set a precedent that has serious implications for possible exhumations of other sites in Zimbabwe, including the remains of victims of the Gukurahundi genocide. During the exhumations, war veterans and predominantly ZANU PF supporters sang songs that denounced former Rhodesian Prime Minister Smith, then Prime Minister Morgan Tsvangirai and the West in general. A 'traditional' ceremony was conducted to 'appease the victims' and some of the words sung included, 'down with whites, not even one white man should remain

in the country' (The Daily Mail Reporter: 31 March 2011). These words are not consistent with the national healing mandate that the government purported to pursue through the Organ on National Healing, Integration and Reconciliation which is set to be replaced by the National Peace and Reconciliation Commission.

The lack of involvement of key national healing stakeholders, primarily the Organ on National Healing, Integration and Reconciliation and liberation movements, raised serious questions about the sincerity of the government in instituting healing and closure programmes. It is difficult to comprehend why the exhumations were undertaken by a voluntary organisation and subsequently taken over by the Ministry of Home Affairs, when the country had a state organ formulated solely for the handling of such issues. This was clear evidence of a deliberate attempt to exclude other stakeholders from the process. This runs counter to the tenets of reconciliation, including inclusivity and popular participation. Besides guaranteeing authenticity to the healing and closure programmes, inclusivity and popular participation have proved to be the tools most instrumental in any peace building initiative. The opposite is true of exclusivity and lack of popular participation.

The timing of the announcement of the discovery of the human remains at William Monkey Mine was also controversial. While official reports indicated that these remains were discovered by an illegal gold miner in 2008, no explanation was given as to why the discovery was only made public in early 2011. The government merely hinted that the exhumations were taking place because illegal gold miners were vandalising the mineshaft (Newsday: 14 August 2011). Even more controversial was the fact that a constitutionally unaccountable body, independent of the established criminal justice structures, undertook and oversaw the entire exhumation and reburial exercise. A definite conflict of interest existed as the Fallen Heroes Trust, aligned to ZANU PF, which was itself implicated in the atrocities, spearheaded the exhumations and later reburials, even when the ZIPRA Veterans Trust had secured a High Court order stopping the exhumations. The reburial of the unidentified bodies was tantamount to the concealment of evidence as no results were provided by the government regarding the identification of the bodies, the cause(s) or time of death. One can only speculate that if the results were available, then they were not consistent with the government's version of events. The way Chibondo was handled has serious implications for national healing in Zimbabwe. These implications will be discussed below.

IMPLICATIONS OF CHIBONDO FOR NATIONAL HEALING

The seemingly deliberate mishandling of Chibondo was a clear case of the obstruction of transitional justice by the government. This can only be interpreted as an attempt to prevent the establishment of the truth. The government, through the ZBC, seized the opportunity presented by the mass grave to encourage Zimbabweans to visit the disused mineshaft to 'witness for themselves the atrocities committed by the colonial regime', thereby fanning hatred and discouraging national healing and reconciliation (Various ZBC news bulletins: March to April 2011). While the ferrying of primary school children to the site was a noble idea, what was questionable was the manner in

which unverified opinions about the bodies found in the mine were presented to the pupils as facts. Some of the reports carried on ZBC bordered on propaganda and were devoid of any objective analysis of the matter. One such report was written by Tsododo and Nzira titled *Daylight political robbery* (2011) in which the two argued that the bodies exhumed at Chibondo were dumped there by the British and the Americans. The two argued that:

What is even more worrying is that a particular human race took it upon itself to parcel land of another race to satisfy their own ego. In the process, those actions have led to the extinction of humans. The Anglo-Saxons have been guilty of killing in the name of love and civilisation. In Zimbabwe, they left an indelible ink of their efforts to decimate the black populace and a visit to the human dumping site in Chibondo, Mt Darwin tells a story of daylight political robbery by the white supremacists. The case of Chibondo comes to the fore as a tip of an ice bag of how the Caucasian race now, aided by wolves in sheepskins, have been guilty of defying the sanctity of human life (Tsododo and Nzira 2011: 2).

Such misrepresentation of facts only aides in rendering national healing in general and individual closure in particular a distant reality, thereby knowingly or unknowingly defeating the purposes of the impending National Peace and Reconciliation Commission. The manner in which the exhumations were presented represents a squandered valuable opportunity to teach young Zimbabweans the value of national healing and reconciliation. Chibondo offered a propitious opportunity for Zimbabwe to initiate genuine efforts at establishing the truth, getting closure and enhancing national healing. Eppel, quoted on CBC News (31 March 2011), agreed and noted that,

...what is happening... is a travesty. Bones speak quietly and in a language only an expert can hear. Let's not silence them forever, but bring them the help they need to be heard.

The unsatisfactory manner in which the government handled the Chibondo exhumations also has implications for other known pre and post-independence mass graves, both inside and outside the country. Some Zimbabweans who were killed during the War of Independence were buried in mass graves in neighbouring countries such as Mozambique and Zambia (Gumbo 1995: 23). These include mass at Mukushi, Tembue, Nyadzonya and Chimoio, places which were rightly turned into national shrines by the Zimbabwean state with the permission of the governments of Mozambique and Zambia (Todd 2007: 367). However, more and more mass graves will continue to be discovered, especially inside the country and with such a bad precedent set by the government, constitutionally unaccountable interest groups such as war veterans associations are likely to take control of such events in the future. This sabotages the process of national healing as these mass graves will be used for other purposes such as gaining political mileage.

It will be difficult for the victims of human rights abuses in Zimbabwe to trust the government with any healing and reconciliation initiative given the way it (mis) handled Chibondo. The Chibondo debacle signalled the failure of statist transitional

justice programmes in Zimbabwe, which the government had resuscitated with the formation of the GNU. Instead, it strengthened the resolve of citizens to use alternative non-state healing and closure mechanisms. A discussion of such non-state healing and closure mechanism is however out of scope for this article.

THE CONTRIBUTION OF MASS GRAVES TO TRANSNATIONAL JUSTICE

Transitional justice has been defined as a field of study and policy options that seek to address past human rights abuses by employing an array of mechanisms such as, but not limited to, criminal prosecutions (domestic or international), amnesia, truth and reconciliation commissions, lustrations, truth seeking, reparations, institutional reforms. To be effective, transitional justice mechanisms need to be bottom up and victim centred while not negating the peace needs of the local communities. These mechanisms were recognised by the United Nations in a document titled *Guidance Note of the Secretary General: United Nations Approach to Transitional Justice* (March 2012). However the potential contribution from mass graves has been scantily addressed literature. This section discusses some of the contributions that mass graves in general can make to transitional justice, especially to truth finding, healing and closure and memorialisation and community level.

The first contribution is that the proper exhumation and forensic identification of human remain facilitates memorialisation. The location of most mass graves in post conflict communities is not a secret; however it is their status which in most of the times is contested. With the opening up of these graves, their turning into monuments becomes a reality. In some cases the names of those buried in these graves are displayed on plaques together with their dates of deaths. When handled in this manner, mass graves are transformed from being monuments of grief to monuments upon which communities realise their past atrocities and find healing and closure. Additionally these monuments also act as deterrents against future abuses, with communities pledging never again to allow such atrocities to be repeated. Such monuments act as catalysts to building community cohesion.

Secondly, mass graves are efficacious in identifying cause and time of death and hence contributing to truth telling, a process which was successful in establishing historical accountability elsewhere. These include various works by forensic anthropologists in Latin America, former Yugoslavia, Rwanda and Iraq (Juhl 2005: 3). Truths Commissions in Guatemala, El Salvador, Peru and Sierra Leone used evidence from mass graves as part of their evidence thereby curtailing impunity.

Elsewhere mass graves have contributed to the establishment of truth surrounding many episodes of gross violations of human rights such as the Vukovar Hospital mass grave in Croatia, the Srebrenica genocide and the Kigali and Kibuye mass graves in Rwanda. Locally, the Solidarity Peace Trust exhumed bodies of human rights abuse victims and identified them forensically with the help of a team of scientists from Argentina called *Equipo Argentino de Antropología Forense* (The Argentinean Forensic Anthropology Team) (EAAF). This was predominantly done in the Matabeleland Province of Zimbabwe and resulted in many families being reunited with the remains of their family members. This allowed for other religious and traditional ceremonies, rites and rituals to take place, which otherwise were

impossible as a long as the remains of the deceased were not identified and properly laid to rest in accordance with the local Ndebele culture and customs. These include *umbuyiso*, a series of rites and rituals which enable the deceased to re-join the family as an ancestral spirit. For the Ndebele people, this constitutes transitional justice as it accords them healing, closure and above all the ability to carry on with their lives.

Linked with the above is the ability of mass graves, whether excavated or not to contribute to 'proper' mourning, a process which facilitates closure and healing. Once the secrecy which shrouds most mass graves has been unmasked, families can openly talk about and properly mourn their deceased relatives in accordance to their culture and customs. This is not usually possible in cases where such mass graves remain a taboo to talk about or in extreme cases, constitute a criminal offence.

Officially, mass graves facilitate in apportioning blame, thereby enabling individual or institutional accountability for gross violations of human rights. This is achieved by getting war criminals convicted in local or international courts. This happened in the case against Radislav Krstic, who was accused of gross violations of human rights during the Srebrenica Massacre in Bosnia in 1995 (International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991 Case No: IT-98-33-A). In the case the *Prosecutor versus Radislav Krstic*, the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia found the accused guilty of *inter alia*, the crime of aiding and abetting the commission of genocide and sentenced him to 35 years in prison. This was mostly based on evidence collected from 21 mass graves (Juhl 2005: 3), thereby underlining the importance of mass graves in healing and closure.

The Sierra Leone TRC used evidence from a number of mass graves to recommend to the government the erection of monuments and shrines in addition to community facilities built by the government in honour of the victims discovered in the mass graves. Such a process would also involve the erection of a plaque with the names of all the victims buried in the mass graves and where possible stating their dates of deaths. These monuments and shrines will be visible markers to the community about their past and help act as deterrents for future abuses. The existence of mass graves in post conflict societies should never be underestimated as evidenced by the work of the Sierra Leone TRC which dealt with 102 mass graves and 13 other sites during its tenure.

Mass graves are also useful in creating an accurate record of past human rights abuses. This is so because most mass graves remain unrecognised therefore unofficial. By recognising them, a process of creating an accurate record of what happened, when, how and in some cases why, can be created. The Sierra Leone Truth Commission recorded most mass graves and this resulted in hundreds of hitherto unaccounted for victims being officially recognised as missing. By declaring a person officially missing their families can get the necessary documentation that allows, *inter alia*, the children of missing person to get other documentation such as birth certificates, enrol for grants and where applicable get reparations.

CONCLUSION

The article considered the contributions made by mass graves to healing and closure. It discussed the exhumations at William Monkey Mine in Chibondo, Mt Darwin District in Zimbabwe. It argued that the exhumations were deliberately mishandled by the government, presumably in an attempt to conceal its role in post-independence human rights abuses while simultaneously heaping all the blame on the colonial Ian Smith regime. On the basis of this article, the failure of the government to initiate victim-centred healing and closure mechanisms can therefore not be denied. The article demonstrated the value to healing, closure and community memorialisation that can be realised once mass graves are officially recognised. Examples of the efficacy of mass graves in healing and closure were noted in the trials of war criminal by the International Criminal Tribunal for the former Yugoslavia and the Sierra Leone TRC which both used evidence from mass graves with the former using the evidence to apportion criminal responsibility. However more research needs to be done on the negative effects of exhuming mass graves as these are still assumed to be minimal but with no evidence to support such.

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