



Anti-Corruption Trust of Southern Africa (ACT-Southern Africa)

-Campaigners against Corruption in Southern Africa-

**ZIMBABWE: Corruption Cases: Lest We Forget: Bad Leadership Examples
for Accountability, Transparency and Integrity in Zimbabwe.**

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Anti-Corruption Trust of Southern Africa

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¹ The Anti-Corruption Trust of Southern Africa (ACT-Southern Africa) is a regional, non-governmental and non-political organisation that was set up in 2004 to campaign against corruption and to promote good governance in Southern Africa. ACT-Southern Africa is registered in South Africa (Registration No. 045-923-NPO) and Zimbabwe (Registration No. MA 147/2004) as a non-governmental organisation. ACT-Southern Africa interventions are plugged into four areas:

- **Advocacy for anti-corruption policy and law reform:** - The goal is to support national governments and other stakeholders to ensure the formulation, implementation, adherence and effective coordination of anti-corruption laws and policies.
- **Social prevention and community empowerment:** - The goal is to mobilise and empower communities to desist from corrupt practices and to effectively monitor the integrity of service providers.
- **Institutional capacity building:** - The goal is to enhance the capacities of specialised anti-corruption agencies, civil society, political parties and the private sector to effectively prevent and combat corruption.
- **Research and development:** - The goal is to conduct research, codify knowledge and disseminate good practices on preventing and combating corruption and good governance

Executive Summary

Zimbabwe's post independence era is characterized by a political leadership that has consistently failed to provide the best examples for accountability, transparency and integrity. The leadership itself, has since the 1980s, engaged in acts of corruption and also condoned such acts on the part of their associates, relatives and friends. This has frustrated efforts towards building a corruption-free Zimbabwe.

This report depicts the involvement of the leadership, their associates, relatives and friends in corruption. Classic examples of corruption that tainted the Zimbabwean leadership include: the Diamond Scandals, the looting of the War Victims Compensation Fund, the VIP Housing Scam, the Zimbabwe Iron and Steel Company (ZISCO) Scandal, the Zimbabwe United Passenger Company (ZUPCO) Scandal, the Kondozi Estate Looting, the Willowvale Scandal, the Fertiliser Scandal, the National Oil Company of Zimbabwe (NOCZIM) Scandal, and the Harare Airport Extension Scandal to name but a few. Regardless of the abundance of evidence and the implications of development, the culprits seem to have been forgotten or condoned but rewarded in one way or the other.

There is no doubt that the failure to investigate and prosecute culprits of corruption worsens the scourge of corruption. To this end, it is recommended that implicated **individuals should not only be investigated and prosecuted but should resign, and return all resources looted**. Pursuant to the above, the following specific recommendations are made:

1. Recommendations to Implicated Individuals

- a) Implicated Individuals should not or at all participate in future elections until they are cleared of corruption and wrong doing;
- b) They should make proactive efforts to clear themselves if at all they feel that they are innocent. Failure, which their names will remain dirty;
- c) Implicated individuals who are corrupt should immediately resign from the positions that they are currently holding;
- d) Refund or return all resources looted and declare other assets procured through illicit means.

2. Recommendations to the Government of Zimbabwe

- a) Develop and endorse a zero tolerance policy on corruption in Zimbabwe;
- b) Open up and restart investigating all cases of corruption that took place in the past;
- c) Ensure that law enforcement agencies operate impartially without favoring any specific group of people;
- d) Ensure that public leaders declare their assets and liabilities before taking office;
- e) Dismiss Ministers and senior government officials implicated in corruption; and
- f) Recover all looted resources.

3. Recommendations to the People and other Stakeholders

- a) Corrupt leaders and their companies should be blacklisted and sidelined in business opportunities and employment, especially within all tiers of Government;

- b) Volunteer information on assets owned by the implicated individuals and other senior government officials;
- c) Implicated individuals should be removed from power through peaceful and democratic elections; and
- d) Putting pressure to facilitate investigation and prosecution of all implicated individuals.

4. Recommendations for Investigations

- a) All cases cited above should be investigated and the outcomes of such investigations published;
- b) An investigation into the alleged looting of government properties (including houses) between the year 2000 and 2009, that were transferred into senior government officials' names through the assistance of the Registrar of Deeds Office;
- c) Demanding a full list of people who benefited from the farm mechanization programme;
- d) An investigation into sources of money used to procure war equipment;
- e) A thorough investigation into the Marange Diamond Scandals.

Table of Contents

ACKNOWLEDGEMENTS.....	2
EXECUTIVE SUMMARY.....	3
ACRONYMS	6
1. INTRODUCTION	7
2. FORGOTTEN CORRUPTION CASES	8
a. The War Victims Compensation Fund Scandal (WVCF).....	8
b. Abuse of the Constituency Development Fund (CDF).....	9
c. Diamond Scandals	9
d. Wealth Accumulation.....	10
e. The VIP Housing Scandal.....	11
a. The National Oil Company of Zimbabwe (NOCZIM) Scandal.....	12
b. The Zimbabwe Iron and Steel Company (ZISCO) Scandal	13
c. The Kondozi Estate Looting.....	14
d. The Willowvale Scandal	14
e. The Zimbabwe United Passenger Company (ZUPCO) Scandal.....	15
f. The Fertiliser Scandal	15
g. Interference with the functions of the Judiciary.....	16
h. Harare Airport Extension Scandal.....	17
i. Minister Christopher Mushowe and the University of Zimbabwe Scandal.....	18
3. CONCLUSION AND RECOMMENDATIONS	18
a. Conclusion	18
b. Recommendations	18
i. Recommendations to Implicated Individuals.....	18
ii. Recommendations to the Government of Zimbabwe	19
iii. Recommendations to the People and other Stakeholders	19
iv. Recommendations for Investigations	19
4. LIST OF INDIVIDUALS IMPLICATED IN CORRUPTION.	20

Acronyms

ACT-Southern Africa	Anti-Corruption Trust of Southern Africa
ANZ	Associated Newspapers Group of Zimbabwe
AHT	Air Harbour Technologies
ATI	Accountability, Transparency and Integrity
AU	African Union
CSC	Cold Storage Commission
CPI	Corruption Perception Index
DRC	Democratic Republic of Congo
HCC	Harare City Council
MDC	Movement for Democratic Change
MIC	Media and Information Commission
MP	Member of Parliament
NECI	National Economic Conduct Inspectorate
NOCZIM	National Oil Company of Zimbabwe
NY	New York
SADC	Southern African Development Community
UN	United Nations
UNDP	United Nations Development Programme
VIP	Very Important Persons
UZ	University of Zimbabwe
WVCF	War Victims Compensation Fund
ZANU PF	Zimbabwe African National Union (Patriotic Front)
ZBC	Zimbabwe Broadcasting Corporation
ZLHR	Zimbabwe Lawyers for Human Rights
ZISCO	Zimbabwe Iron and Steel Company
ZNA	Zimbabwe National Army
ZUPCO	Zimbabwe United Passenger Company
ZRP	Zimbabwe Republic Police

1. Introduction

The report encapsulates cases of corruption that made headlines in Zimbabwe but whose outcomes remain obscure. The names of the implicated individuals have also been mentioned. However, it is acknowledged that all individuals are innocent until proven guilty by competent courts of law. Nevertheless, it should be further acknowledged that they will remain implicated and labeled as suspects until proven innocent, which makes it urgent for both the implicated individuals, the law enforcement agencies and the judiciary to work together towards the final conclusion of such cases.

It will be observed in this report that Zimbabwean political leadership does not provide the best examples for accountability, transparency and integrity. Zimbabwean politicians perceive politics as an opportunity for amassing wealth instead of helping the people. In this unfortunate situation, followers have nothing to learn from such leadership and a corruption-free society will be difficult to develop.¹ In the selected cases, the leadership itself engaged in acts of corruption and also condoned such acts on the part of their associates, relatives and friends.² The report will also demonstrate that the President has been indifferent to corruption by refusing to fire ministers and other leaders widely reputed to be corrupt. In many cases, culprits were simply moved to other portfolios or even promoted. Furthermore, the law enforcement authorities conveniently refused to investigate well-connected individuals.

This report will highlight the following cases:

- a) The War Victims Compensation Fund Scandal (WVCF);
- b) Abusing abusing the Constituency Development Fund (CDF);
- c) Diamond Scandals;
- d) Wealth Accumulation;
- e) The VIP Housing Scandal;
- f) The National Oil Company Scandal;
- g) The Zimbabwe Iron and Steel Company (ZISCO) Scandal;
- h) The Kondozi Estate Looting;
- i) The Willowvale Scandal;
- j) The Zimbabwe United Passenger Company (ZUPCO) Scandal;
- k) The Fertiliser Scandal;
- l) Interference with the functions of the judiciary;
- m) Harare Airport Extension Scandal; and
- n) Minister Christopher Mushowe and the University of Zimbabwe.

In view of the above, it is not surprising that Zimbabwe is rated by the 2011 Transparency International (TI) Corruption Perception Index (CPI) among the most corrupt nations in the world.³ Furthermore, conflicts obtaining in Zimbabwe are largely triggered by corruption and human rights abuses perpetrated by senior government officials and other authorities.

2. Forgotten Corruption Cases

The cases encapsulated in this report dates back from the 1980s when Zimbabwe achieved its independence. Most of the cases were largely talked about and publicized through newspapers and in some cases attempts were made to prosecute the culprits. Nevertheless, they all seem to have been forgotten, yet evidence in support of prosecution was abundant in most of the cases.

a. The War Victims Compensation Fund Scandal (WVCF)

In the late 1980s and 1990s, the War Victims Compensation Fund (WVCF) was looted by senior government officials and their associates, relatives and friends. The WVCF was established under the War Victims Compensation Act (Chapter 11:16) to compensate victims of war for injuries suffered during the liberation war. Following reports of mass-scale looting, a Judicial Commission of enquiry was set up and its findings shocked the nation. The Commission unearthed a plethora of false claims facilitated through a myriad of irregularities that included false affidavits, falsification of dates when injuries were sustained and exaggerated percentage of disability.⁴ As for Dr. Chenjerayi Hunzvi, a handwriting expert, Mr. Blackmore, confirmed to the Commission of Enquiry that he was not only deliberately disguising his handwriting and signature, but favored his relatives and signed his own application.⁵ However, huge and unjustified sums of money were looted by senior government officials and other individuals linked to ZANU PF. The looting was facilitated by the late Dr. Chenjerai Hunzvi, who signed medical certificates for war victims and inflated the percentage disability among other irregularities.⁶ Table 1 below gives details on some senior government officials who were implicated and the majority of are not only remaining in key leadership positions but were promoted.

Table 1:- Names of some Politicians Implicated

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| <ul style="list-style-type: none">a) Former ZBC staffer Robin Shava (100% disability and Z\$483 535);b) Wilfred Mhanda (29,5% disability and Z\$190 879);c) Vivian Mwashita (94% disability and Z\$579 091);d) B. Murahwa (93,2% disability and Z\$616 811);e) Perence Shiri (50% disability and Z\$90 249);f) Joyce Mujuru (55% disability and Z\$389 472);g) Oppah Rushesha (65% disability and Z\$478 166);h) Reward Marufu (95% disability and Z\$821 668);i) Police Commissioner Augustine Chihuri (20% disability valued at Z\$138 664);j) Edgar Tekere (90% disability and Z\$262 162); andk) Herbert Mahlaba (74% and Z\$272 362).⁷ |
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However, no prosecutions resulted from the findings of the commission of enquiry. The failure to punish the culprits has largely been perceived as betrayal of the people.⁸ It will also be observed that some of the politicians were implicated in the WVCF saga, were also implicated in other scandals that will be covered by this report.

Recommendations:

The looting of the fund should be revisited and all the culprits prosecuted and made to refund the money that was improperly claimed and wrongfully awarded. There should also be penalties for officials who processed the payments since they were sufficiently aware of the impropriety of their actions.

b. Abuse of the Constituency Development Fund (CDF)

According to Guma (2012) citing the Constitutional Affairs Minister, Eric Matinenga, ten Members of Parliament: six hailing from ZANU PF and four from MDC-Tsvangirai (MDC-T) failed to account for US\$50,000 advanced to them from the Constituency Development Fund (CDF) in 2010. The CDF is meant for development projects in constituencies represented by the parliamentarians. However, the police arrested one out of six ZANU PF legislators and the rest of the members arrested were from MDC-T. The MDC-T disgraced suspects included: Marvelous Khumalo, Albert Mhlanga and Cleopas Machacha, whilst the ZANU PF arrested culprit was Franco Ndambakuwa, being a Member of Parliament for Magunje Constituency. The list of parliamentarians who were never questioned or arrested by the police for investigations included the Minister of Youth and Empowerment, Saviour Kasukuwere and Ignatius Chiminya Chombo, the Minister of Local Government, Urban and Rural Development. It is alleged that the arrests were blocked by the Office of the Attorney General.⁹

Recommendations

The Attorney General's Office should treat all alleged criminals without discrimination. The abuse of CDF resources should be investigated and all those implicated should face the law and also refund all resources that remain unaccounted for. The administrators of the CDF should inform Zimbabweans on whether the ten Parliamentarians finally submitted their accountability.

c. Diamond Scandals

A number of officials have been fingered in diamond scandals but little or no action has been taken towards the investigations thereof. The following are some of the names that have been mentioned:

- Weak leaks implicates the First Lady, Grace Mugabe and the Reserve Bank Governor, Dr. Gideon Gono as some of the culprits profiteering out of exploitation and illegal trading in diamonds;¹⁰
- Global Witness (2012) in its June 2012 report cites the unfortunate, illegal and well coordinated involvement of the secret police, military and some diamond companies. The report gives credible suspicion of a scheme through which a parallel ZANU PF led government could be financed using diamonds.¹¹ Implicated entities include: Sam Pa, Sino Zimbabwe Development (Pvt) Ltd, and Anjin Investments (Pvt) Ltd;¹²
- Zimbabwe's Vice President Joyce Mujuru was implicated in a diamond scandal when she allegedly threatened Bernd Hagemann, the head of Firststar Europe, for refusing to buy diamonds which her daughter identified as Nyasha was selling;¹³

Recommendations

The involvement of government officials in illegal diamond dealings should be investigated and all officials brought to book. Furthermore, the activities of Sam Pa, Sino Zimbabwe Development and Anjin Investments should be investigated. In addition, the

diamond companies should account for every piece of diamond that they extract from Chiadzwa Fields. Failure to account should have serious consequences.

d. Wealth Accumulation

The Minister of Local Government and National Housing Ignatius Chiminya Chombo is one of the few senior government officials whose assets have been publicly exposed through some divorce proceedings. This seems to be a tip of the iceberg since there could be many other senior officials who have similar or more wealth. The table below shows the list of his assets exposed in his divorce proceedings:

Table 2: Minister Chombo's Wealth¹⁴

Property cited by Mrs. Marian Chombo but disputed by Mr. Ignatius Chombo	Property agreed by the two parties to share (Mr and Mrs. Chombo)
<ol style="list-style-type: none"> 1. 4 Toyota Land Cruisers, 2. 3 Mercedes Benzes 3. 1 Mahindra 4. 2 Nissan Wolfs, 1 Toyota Vigo, 1 Mazda BT-50, 1 Bus 1 Nissan Hard body 1 Toyota Hilux 5. 2 Glen View houses 6. 2 flats in Queensdale, 7. A property in Katanga Township,` 8. Stand Number 1037 Mount Pleasant Heights 9. 4 Norton business stands 10. 3 Chinhoyi business stands, 11. 4 Banket business stands, 12. 1 commercial stand in Epworth, 13. 2 residential stands in Chirundu 14. 4 commercial stands in Kariba 15. 1 stand in Ruwa 16. 1 stand in Chinhoyi, 17. 2 stands in Mutare 18. 2 stands in Binga. 19. 4 stands in Victoria Falls 20. 1 stand in Zvimba Rural 21. Chitungwiza (two residential and two commercial stands) 22. Beitbridge (four stands), 23. 20 stands in Crow Hill, Borrowdale 24. 10 stands in Glen Lorne, 25. 2 flats at Eastview Gardens (B319 and B320) 26. 1 flat at San Sebastian Flats in the Avenues, Harare 27. Number 79 West Road, Avondale. 28. Greendale house 29. Number 36 Cleveland Road, Milton Park 	<ol style="list-style-type: none"> 1. 1 Norton stand, 2. 4 Queensdale flats, 3. 1 flat on Mutare Road, 4. 1stand in Kariba, 5. 2 Glen View house, 6. 1 Ruwa stand, 7. 2 Stands in Chinhoyi 8. Allan Grange Farm. 9. 1bus, 10. 6 truck horses, 11. three trailers, 12. a tanker, 13. 8-tonne truck, 14. 1 Land Cruiser 15. 1Mercedes-Benz, 16. 1 twin-cab Hardbody, 17. 1Nissan Wolf 18. 2 Shawasha Hills stands, 19. 1 Ruwa plot and 20. 1Alexandra Park house.

<p>30. Number 135 Port Road, Norton, 31. 2 Bulawayo houses. 32. Number 18 Cuba Rd, Mount Pleasant 33. Number 45 Basset Crescent, Alexandra Park, 34. 2 Chegutu houses 35. 1 Glen Lorne house (Harare) 36. 2 houses (Victoria Falls). 37. 1 Stand along Simon Mazorodze Road, 38. Norton (one stand) 39. Avondale (two stands) 40. 365 Beverly House (one stand) 41. Bulawayo (three stands), 42. Mica Point Kariba (one stand). 43. Cattle at Darton Farm, shared chicken runs, pigsties, a shop, grinding mill, house, mills, tractors, lorries, six trucks, five of which are non-runners, four trailers (three non-runners) and one truck. 44. Mrs. Marian Chombo also revealed that the minister has shares in 10 companies including Dickest, Hamdinger, Landberry and Track in Security Company. 45. She further revealed that Chombo has a stake in Mvurwi Mine, hunting safari lodges in Chiredzi, Hwange, Magunje and Chirundu as well as properties in South Africa.</p>	
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The Minister and his wife did not or at all explain how they managed to acquire such wealth. A number of stakeholders made efforts to have the Minister investigated but such efforts were not taken seriously by the Zimbabwe Anti-Corruption Commission and the law enforcement agency in Zimbabwe¹⁵ In April 2012, Minister Chombo was reported to the police by the Harare City Council for irregular acquisition of more prime land in Helensvale but the Zimbabwe Republic Police ignored the report.¹⁶

Recommendations

Minister Ignatius Chiminya Chombo should explain how he accumulated so much wealth. If no satisfactory explanation is given such assets should be forfeited by the state. This should include assets that have been granted to the former wife as part of the divorce proceedings since they may have been acquired through illicit means. Furthermore, Chombo's case may also be a tip of the iceberg and it will not be surprising if there are other government officials who have acquired similar or more wealth.

e. The VIP Housing Scandal

On or about 1995, government officials and politicians looted funds contributed by civil servants to ease themselves of housing shortages that they were facing. The 'pay for your

house scheme' was shattered when millions of dollars were diverted to build houses for senior government officials. The looting was disguised as loans and the total amount owed was nearly \$12 million. Investigations were made by a team of investigators led by S.R.M Hoza, set up by the then Minister of Local Government and National Housing, John Nkomo. A total of 185 senior government officials benefitted from the illegal housing scheme at the expense of genuine beneficiaries.

Among the senior government officials named include:

- The First Lady, Grace Mugabe, who had a house built for her at 221 Armthwaite Road, Quinington, Borrowdale;
- The High Court Judge Justice Paddington Garwe;
- The then Foreign Affairs Minister Stan Mudenge;
- The late Ambassador Tichaona Jokonya;
- The late William Gumbochuma; and
- The late former Herald Editor Bornwell Chakaodza

The above were named in a memorandum, reference 69/10, sent to the Permanent Secretary for the Ministry of Local Government and National Housing. As at the 24th of November 1998, the following amounts owed:

- Justice Garwe of Plot number 14209 Gunhill, Harare, owed the government \$109 115;
- Stan Mudenge of 31 Brelades Road, Greystone Park, owed \$13 778;
- Ambassador Jokonya of 72 Rhodesville Avenue, Highlands, owed \$917 060;
- The late William Gumbochuma of 2312 Musasa Road, New Marlborough, owed \$768 592; and
- Bornwell Chakaodza of 82 Goodrington Rd, Bluff Hill, owed \$584 146; and
- The First Lady had paid the full amount of money owing.¹⁷

Even if they paid back, it is important to have them punished for having deprived genuine beneficiaries. Furthermore, Zimbabweans were never advised on whether or not they fully paid back the loans together with the interest thereof.

Recommendations:

The Hoza Commission of Enquiry report should be made public and the Ministry of Local Government and National Housing should confirm whether all the culprits paid back the so-called loans improperly advanced to them. If not action should be taken to ensure that the money is recovered with interest at prevailing rates without any further delay.

a. The National Oil Company of Zimbabwe (NOCZIM) Scandal

In 1999 officials of the National Oil Company of Zimbabwe (NOCZIM) were implicated in fraud cases involving Z\$238million. One of the managers allegedly prejudiced NOCZIM of Z\$802 million whilst the Permanent Secretary for the Ministry of Transport was implicated to the tune of Z\$642million. The two Vice-Presidents and a parliamentarian, Phillip Chiyangwa were also implicated scandalous activities linked to NOCZIM.

Upon a public outcry, arrests were made and the cases were initially heard in the Magistrate's Court but the outcome was never made public. The then Minister of Transport (Mr. Enos Chikowore) resigned as a result of the NOCZIM corruption. As a result of the corruption, the country faced serious fuel shortages, which tremendously affected development. Zimoline (2006) reported that among those accused of diverting fuel to the black market included:

- Then Minister Mike Nyambuya;
- Then Minister Oppah Muchinguri;
- Then Manicaland Governor Tinaye Chigudu;
- Then ZANU PF legislator Enock Porusingazi;
- ZANU PF party's Central Committee member Esau Mupfumi; and
- Mutare businessman and now Member of Parliament for Mutare South, Fred Kanzama.¹⁸

The outcome of police investigations and prosecution efforts were never made public.

Recommendations

The case should be revisited and all officials implicated should face the law. All those implicated should have emulated the decision taken by the late Minister Enos Chikowore who resigned.

b. The Zimbabwe Iron and Steel Company (ZISCO) Scandal

Top government officials who include vice-presidents and government ministers allegedly looted assets belonging to Zimbabwe Iron and Steel Company (ZISCO), which is the country's giant steel-making public enterprise. ZISCO was registered as a private company and the government owned 91%. The following individuals were named in a report drawn up by the National Economic Conduct Inspectorate (NECI).¹⁹

- Vice-President Joyce Mujuru;
- The late Vice-President Joseph Msika;
- Samuel Mumbengegwi,
- Olivia Muchena;
- Sithembiso Nyoni;
- Stan Mudenge;
- Patrick Chinamasa;
- Former Zanu (PF) MP Tirivanhu Mudariki;
- The late MP Gibson Munyoro;
- The former ZISCO Managing Director Gabriel Masanga; and
- The Marketing Executive, Rodwell Makuni were also implicated²⁰.

The report also named a host of other senior managers who served as kingpins of the scandal to siphon funds from ZISCO.²¹

According to the NECI the finances were siphoned through dubious contract awards and a myriad of other payments covering purchases, airfares, hotel bookings, directors' fees, services, management expenses and entertainment allowances. The report highlights the case of the Vice President Joyce Mujuru who was paid \$11,000.00 entertainment allowance

when she visited Botswana for a weekend in 2004 on a mission whose objectives had nothing to do with the work of ZISCO.²²

The former Industry and International Trade Minister, Obert Mpofu almost faced impeachment for perjury after he allegedly lied under oath to the Parliamentary Committee investigating ZISCO. Mpofu initially told the Committee that senior officials, had looted ZISCO but later backtracked, saying he was not aware of any particular minister or senior person or parliamentarian or anybody involved in ZISCO scandal.²³ This was seen as an attempt by the Minister to protect the named top government officials. The same tainted Minister has been rewarded by another ministerial post of Minister of Mines and Mining Development under whose control are the Chiadzwa Diamond Fields. Revenues from diamond sales have not been transparently remitted to the treasury ever since the mining took off.

Recommendations

The NECI report should be made public and all officials implicated should refund funds and other resources improperly received and where possible resign from public service. In the case of Obert Mpofu, he should face impeachment for perjury.

c. The Kondozi Estate Looting

The government-led land seizures were used by some politicians for looting purposes. In the case of Kondozi Estate, senior government officials looted Kondozi Estate equipment. Implicated individuals include: -

- Former Manicaland Governor and Energy Minister Mike Nyambuya;
- Former ZANU PF Provincial Chairperson Mike Madiro;
- The Provincial War Veterans Chairperson Robert Gumbo;
- The Minister of Agriculture Joseph Made;
- The Transport Minister Christopher Mushohwe; and
- Didymus Mutasa, the Minister of State for National Security, Lands, Land Reform and Resettlement.²⁴

After a public outcry, it was reported that one of the Ministers returned the looted property. However, it is not clear whether all the looted property was returned and whether the culprits will be prosecuted.²⁵

Recommendations:

The officials implicated should return the looted the equipment and apologise to Zimbabweans for such mass-scale looting of farming equipment. Furthermore, they should be legally investigated and brought to book.

d. The Willowvale Scandal

In 1986, a scandal was uncovered which became known as the Willowvale scandal in which senior government ministers used their positions, authority and power to cheaply buy scarce motor vehicles from a vehicle assembly plant, known as Willowvale Mazda Motors Industry and sold the same cars to third parties at a profit. The revelations shocked the nation and the President set up a Commission to investigate these allegations and many

senior government officials were named in the scam. One of the Ministers implicated was the late Maurice Nyagumbo, who out of shame committed suicide in 1989. President Mugabe forgave and pardoned all the culprits. The question that should be asked is whether President Mugabe was right in pardoning the culprits or that is tantamount to abuse of discretion.

Recommendations

The Commission of Enquiry Report should be made public and all those who were implicated should be named and shamed. Presidential pardons should be subjected to parliamentary review and consent before implementation.

e. The Zimbabwe United Passenger Company (ZUPCO) Scandal

The Zimbabwe Republic Police (ZRP) arrested and formally charged the Deputy Minister of Information and Publicity, Minister Bright Matonga for alleged corruption²⁶. The deputy minister allegedly solicited bribes while he was the Chief Executive Officer (CEO) of a state-owned bus company, ZUPCO. He was charged together with ZUPCO Board Chairperson, Charles Nherera after they both allegedly solicited a US\$85,000 bribe from a foreign bus supplier (Gift Investments) as an inducement for them to award a tender to supply buses to the public transporter.²⁷ It is also alleged that the Local Government and National Housing Minister Ignatius Chombo, had authorised ZUPCO to buy buses without going to tender. No action was taken against the Minister despite having flouted Tender Board regulations. According to Nkatanzo (2006), Jayesh Shah, the Director of the Gift Investments who offered the bribe, was not prosecuted since the Attorney General allegedly granted him immunity from prosecution as a key state witness.²⁸ It is not clear whether the state will continue with the prosecution of Mr. Matonga who was the Deputy Minister of Information and Publicity.

Recommendations

The matter should be re-opened and all those who played a role in the scandal, including Minister Chombo should face the consequences of their actions.

f. The Fertiliser Scandal

The Permanent Secretary for the Ministry of Agriculture, Simon Pazvakavambwa was the first casualty of the fertilizer scandal. The Ministry imported cheap substandard fertilizer from South Africa. Mr. Pazvakavambwa was dismissed and immediately replaced by Shadreck Mlambo as the new Permanent Secretary of the Ministry of Agriculture.²⁹

Considering that Mr. Pazvakavambwa, was going to suffer alone yet he committed the sins with other senior officials, he allegedly threatened to divulge information on how the RBZ Governor Gideon Gono and Agriculture Minister Joseph Made allegedly connived to import 70,000 tonnes of sub-standard fertilizer from South Africa³⁰. Upon weighing the implications³¹, President Robert Mugabe overturned the dismissal and reassigned him as a Secretary without Portfolio in the President's Office.³²

All culprits in the Fertiliser scandal were never investigated and most of them remain in leadership positions.

Recommendations:

The matter should be revisited and investigated to its final conclusion. All those implicated should face the law.

g. Interference with the functions of the Judiciary

The Minister of Justice, Legal and Parliamentary Affairs, Patrick Chinamasa was fingered as having interfered with the functions of the judiciary in a case involving the Associated Newspaper Group of Zimbabwe (ANZ) and the Media and Information Commission (MIC). The ANZ, a duly registered company, was banned from publishing its two newspapers, the Daily News and the Daily News on Sunday. Resultantly, ANZ took the matter to court and was presided over by former judge Michael Majuru. In his affidavit in support of an application to the African Commission on Human and Peoples' Rights Justice Majuru narrated a sad situation in which the minister interfered with the work of the judiciary.

- On or about the 24th of September 2003, Minister Chinamasa invited the Justice Majuru's workmate (Justice Machaka), who was also a Judge at the Administrative Court to issue instructions that the matter was to be conducted in a manner he was going to dictate. The Minister pointed out that the case was not supposed to be treated on an urgent basis by the Administrative Court. He therefore instructed that the court delays the proceedings until February 2004 in order to frustrate ANZ through delays.³³
- The said Justice Machaka was instructed by the Minister to convey his instructions to Justice Majuru which she did. Justice Majuru disregarded the instructions and upon considering the application on its merits ruled in favour of the ANZ by granting the application for an urgent appeal hearing on or about the 27th of September 2003.³⁴
- Upon realising that Majuru was about to finalise judgment Mr Enoch Kamushinda summoned Justice Majuru for a meeting at his offices on the 22nd day of October 2003. Mr Kamushinda instructed Justice Majuru to dismiss the ANZ appeal. As a reward, he was going to be given a fully developed farm in Mashonaland West Province.
- On 23 October 2003 at around 2100 hours, the Minister of Justice Hon. Chinamasa phoned Justice Majuru from Bulawayo where the Minister was attending a pre-budget seminar. He wanted to know whether he had finalized the judgment.
- On the 24th November 2003 at about 2130 hours, the Minister phoned the Justice Majuru sounding extremely angry with him. He accused him of pre-determining the matter and generally berated him for delivering a judgement dictated by British agents and other imperialist forces.
- On the 25th November 2003, Justice Majuru went to the Minister of Justice's office as instructed. The Hon. Minister asked what complainant's decision in the ANZ matter was going to be.
- The Hon. Minister then told the complainant that the police commissioner Augustine Chihuri had approached him the previous night with information that he was under investigations for colluding with British agents over the ANZ matter and was considering arresting him.³⁵
- On the 1st of December 2003, the Complainant received a telephone call from a sympathetic member of the legal fraternity and the Police that the government was fabricating a case against him and that he was going to be arrested and incarcerated on unspecified charges as punishment for defying the Minister's orders. Resultantly,

for his safety and security, Justice Majuru went into hiding until the 9 of December 2003 when he fled to the country, where he remains in exile.³⁶

The case of Patrick Chinamasa and former Justice Michael Majuru is a tip of the iceberg on the relationship between the executive and the judiciary. It is now understood on why some cases are unnecessarily dismissed or delayed by some judges who give-in to executive demands. The ANZ remained unoperational which suggested that the Minister and his associates may have successfully swerved the judiciary which is a mockery to the entire judiciary in Zimbabwe. Regardless of the fact that Justice Majuru lucidly explained what happened, Patrick Chinamasa remains in charge of the key government ministry under which the judiciary falls.

Recommendations

This case undermines the impartiality of the judiciary. To this end, all those who had a role to play should be investigated and punished. The judges who gave-in to interference from the executive should also be investigated and brought to book. The entire modus operandi of the Zimbabwean judiciary should be revisited.

h. Harare Airport Extension Scandal

The award of a tender to construct a new look Harare International Airport was one of the widely cited corruption cases of the 1990s. The Z\$5 billion tender attracted applications from a diversity of construction companies. The following developments took place in the tendering and awarding processes:

- In line with the tender prescribed criteria, the Tender Board awarded the tender to Airport de Paris that had French origin;
- The decision was turned down by influential members of the government, who included, President Robert Gabriel Mugabe and some of his Cabinet Ministers, who favoured the Air Harbour Technologies (AHT), owned and run by Hani Yamani, a Saudi national and also linked to Kojo Annan had shares in AHT;³⁷
- Later disagreements surfaced between AHT and some Zimbabwean leaders. It came to light that the AHT's successful tender was brokered by Mr. Leo Mugabe (President Mugabe's nephew), acting together with ZIDCO Holdings, the commercial arm of the ruling ZANU (PF) party;
- A alongside the construction of the airport terminal, AHT funded the construction of a private residence for President Robert Mugabe.³⁸ Furthermore, Yamani donated US \$50,000 to ZANU (PF) and made payments to two senior cabinet ministers³⁹;
- By the time of its completion in April 2001, the airport terminal had cost more than Z\$7 billion. In July 1999, Yamani complained to President Mugabe about excessive kickbacks. His letter was leaked to an independent newspaper, which published it in December 2000. Following publication, the newspaper's printing works were destroyed by a massive explosive. No arrests have occurred, amid widespread speculation that state agents were involved in the bombing.⁴⁰

Regardless of the outcry no investigations were made.

Recommendations

The matter should be revisited and thoroughly investigated and all the culprits prosecuted, including Yamani for paying bribes and all those who received the bribes should be named, shamed and prosecuted.

i. Minister Christopher Mushowe and the University of Zimbabwe Scandal

It was reported that Minister Mushowe was allegedly admitted into a post-graduate Masters in Public Administration degree at the University of Zimbabwe when he did not have the mandatory first degree required for admission.⁴¹

Furthermore, after admission Mushowe had allegedly failed one of his subjects twice with a 48 % mark but the university allegedly changed his actual mark to reflect a 50 % pass mark.⁴²

The matter was exposed by Mr Basildon Peta, a journalist, working for the Modus Publications. After reporting the matter Minister sued Modus Publications, Basildon Peta and John Makumbe a lecturer at the University of Zimbabwe for speaking out against the practice. The Minister lost the case when the court dismissed Mushowe's lawsuit with costs on the grounds that the university rules had been violated.⁴³

Recommendations:

The University of Zimbabwe officials who facilitated the admittance of Christopher Mushowe should face penalties. The people of Zimbabwe should be advised on the outcome of the case.

3. Conclusion and Recommendations

a. Conclusion

There is no doubt that the failure to investigate and prosecute culprits of corruption worsens the scourge of corruption. The impact is even greater when the culprits are part of the leadership who are expected to be exemplary. The above cases speak volumes about the depth of corruption in Zimbabwe and a lack of political will to confront the scourge head-on. It is the submission of this report that implicated individuals should not only be investigated and prosecuted but should resign, and return all resources looted. Furthermore, upon conviction the culprits should be blacklisted and banned from taking leadership positions in future. However, the following specific recommendations are made:

b. Recommendations

i. Recommendations to Implicated Individuals

- Implicated Individuals should not or at all participate in future elections until they are cleared of corruption and wrong doing;
- Implicated Individuals should make proactive efforts to clear themselves if at all they feel that they are innocent. Failure, which their names will remain dirty;
- Implicated individuals who are indeed corrupt should immediately resign from positions that they are currently holding;

- Refund or return all resources looted and declare other assets procured through looted resources

ii. Recommendations to the Government of Zimbabwe

- Develop and endorse a zero tolerance policy on corruption in Zimbabwe;
- Open up and restart investigating all cases of corruption that took place in Zimbabwe;
- Ensure that the law enforcement agencies operate impartially without favoring any specific group of people;
- Ensure that public leaders declare their assets and liabilities before taking office;
- Dismiss Ministers and senior government officials implicated in corruption; and
- Recover all looted resources.

iii. Recommendations to the People and other Stakeholders

- Corrupt leaders and their companies should be blacklisted and sidelined in business opportunities, and employment at all tiers of government;
- Identify assets acquired by implicated individuals through looted resources and make legal efforts to recover the same.
- Remove corrupt leaders from power through peaceful and democratic elections; and
- Put pressure to facilitate investigation and prosecution of all implicated individuals.

iv. Recommendations for Investigations

- All cases cited above should be investigated and the outcomes of such investigations published;
- An investigation into the alleged looting of government properties (including houses) between the year 2000 and 2009, that were transferred into senior government officials' names through the assistance of the Registrar of Deeds Office;
- Demanding a full list of people who benefited from the farm mechanization programme;
- An investigation into sources of money used to procure war equipment;
- A thorough investigation into the Marange Diamond Scandals.

4. List of Individuals Implicated in Corruption.

Table 3:- List of implicated government officials

	Name	Case/s where implicated
	President Robert Gabriel Mugabe	Airport Scandal
	Joyce Mujuru	ZISCO Scandal War Victims Compensation Fund
	Grace Mugabe	VIP Housing scandal Diamond Scandals
	Joseph Made	Kondozi Scandal Fertiliser scandal
	Mike Nyambuya	NOCZIM Scandal, Kondozi Scandal
	Francis Nhema	Asitroc Investment (Private) Limited Scandal
	Simbarashe Mumbengegwi	ZISCO Scandal
	Stan Mudenge	VIP Housing Scandal ZISCO Scandal
	Obert Mpofu	ZISCO Scandal/ Marange or Chiadzwa Diamonds Scandal
	Patrick Chinamasa	Interference with the functions of the Judiciary ZISCO Scandal
	Ignatius Chombo	Acquisition of Massive Wealth Constituency Development Fund Scandal ZUPCO Scandal
	Didymus Mutasa	Kondozi Scandal
	Olivia Muchena	ZISCO Scandal
	Sithembiso Nyoni	ZISCO Scandal
	Christopher Mushowe	Kondozi Scandal University of Zimbabwe Scandal
	Oppah Muchinguri	NOCZIM Scandal VIP Housing scandal

	Phillip Chiyangwa	NOCZIM Scandal
	Kumbirai Kangai	GMB Scandal
	Tinaye Chigudu	NOCZIM Scandal
	Enock Porusingazi	NOCZIM Scandal
	Esau Mupfumi	NOCZIM Scandal
	Fred Kanzama	NOCZIM Scandal
	Mike Madiro	Kondozi Scandal
	Robert Gumbo	Kondozi Scandal
	Robin Shava	War Victims Compensation Fund
	Wilfred Mhanda	War Victims Compensation Fund
	Vivian Mwashita	War Victims Compensation Fund
	B Muranhwa	War Victims Compensation Fund
	Perence Shiri	War Victims Compensation Fund
	Oppah Rusesha	War Victims Compensation Fund
	Reward Marufu	War Victims Compensation Fund
	Augustine Chihuru	War Victims Compensation Fund VIP Housing scandal
	Herbert Mahlaba	War Victims Compensation Fund
	Edgar Tekere	War Victims Compensation Fund
	Tirivanhu Mudariki	ZISCO Scandal
	Gibson Munyoro	ZISCO Scandal
	Gabriel Masanga	ZISCO Scandal
	Rodwell Rukuno	ZISCO Scandal
	Bright Matonga	ZUPCO Scandal
	Charles Nherera	ZUPCO Scandal
	Enock Kamushinda	Interference with the functions of the Judiciary
	Simon Pazvakavambwa	Fertiliser Scandal
	Gideon Gono	Fertiliser scandal

		Diamond Scandals
	Sam Pa	Diamond Scandals
	Sino Zimbabwe	Diamond Scandals
	Anjin Investments	Diamond Scandals
	Nyasha Mujuru	Diamond Scandals
	Bonwell Chakaodza	VIP Housing Scandal
	Tichaona Jokonya	VIP Housing Scandal
	Leo Mugabe	Harare Airport Scandal
	Paddington Garwe	VIP Housing Scandal
	William Gumbochuma	VIP Housing Scandal
	Marvelous Khumalo	Constituency Development Fund Scandal
	Albert Mhlanga	Constituency Development Fund Scandal
	Cleophas Machacha	Constituency Development Fund Scandal
	Franco Ndambakuwa	Constituency Development Fund Scandal

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