

# An Exploration of Selected Anti-Money Laundering Role-Players in Zimbabwe

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Online ISSN  
1727-3781

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## Date Submitted

1 July 2024

## Date Revised

4 November 2024

## Date Accepted

4 November 2024

## Date Published

6 November 2024

## Guest Editor

Prof H Chitimira

## Journal Editor

Prof W Erlank

## How to cite this contribution

Chitimira H, Torerai E and Jana  
VLM "An Exploration of Selected  
Anti-Money Laundering Role-  
Players in Zimbabwe" *PER / PELJ*  
2024(27) - DOI  
[http://dx.doi.org/10.17159/1727-  
3781/2024/v27i0a19030](http://dx.doi.org/10.17159/1727-3781/2024/v27i0a19030)

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## DOI

[http://dx.doi.org/10.17159/1727-  
3781/2024/v27i0a19030](http://dx.doi.org/10.17159/1727-3781/2024/v27i0a19030)

## Abstract

Although Zimbabwe has established several institutions to combat money laundering and related crimes, there is a perception that inadequate measures are taken to apprehend offenders responsible for financial crimes. Institutions such as the Financial Intelligence Unit (FIU), the Zimbabwe Anti-Corruption Commission (ZACC), the Zimbabwe Republic Police (ZRP), the National Prosecuting Authority (NPA) and the Reserve Bank of Zimbabwe (RBZ) have done little to prove that the government of Zimbabwe is resolute in combatting money laundering. On the contrary, it increasingly appears that these institutions are poorly equipped and lack the necessary capacity to enforce and uphold anti-money laundering (AML) measures in Zimbabwe. Further, there appears to be a selective application of the law, with one set of rules for individuals or institutions that are perceived as political adversaries of the incumbent establishment and a different set of rules for the political elite. Consequently, the selective application of the law projects Zimbabwe as a jurisdiction that is somehow tolerant to money laundering, corruption and related financial crimes, thereby lowering and tarnishing the standing of the country in the global economic community of nations. This paper provides a regulatory analysis of the AML role-players in Zimbabwe in order to assess their functions in combatting financial crimes. It also analyses whether these role-players are effective and substantively executing their responsibilities therein. The authors argue that while Zimbabwe is well able to effectively combat money laundering through the even application of the law to all persons regardless of their political or economic standing, it is imperative that its AML institutions operate without fear, favour or prejudice. This is crucial in combatting money laundering and instilling confidence in the general public's perception of AML institutions in Zimbabwe.

## Keywords

Money laundering; financial crimes; corruption; anti-money laundering; role-players.

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## 1 Introduction

While Zimbabwe has managed to establish several anti-money laundering (AML) institutions, allegations of money laundering and related financial crimes remain rife.<sup>1</sup> There are fears that illicit funds foment rampant and brazen criminal enterprise, distort resource allocation and crowd out the already shrinking licit sectors in Zimbabwe.<sup>2</sup> This brings into question the effectiveness of the laws that established the AML entities designed to combat money laundering in Zimbabwe.<sup>3</sup> It further raises answers about whether the institutions that have been set up to ferret out and deal with money laundering in Zimbabwe are fit for purpose. Ostensibly, there is a worrying and yet cumulative perception that adverse political and economic factors abet and enable money laundering activities in Zimbabwe. Owing to this perception, it is reasoned that corrupt individuals and/or institutions close to or operating in collusion with the powers that be are untouchable and unaccountable for their illicit activities, despite the gravity of the harm their actions could be inflicting on the country.<sup>4</sup> Such unscrupulous individuals operate in wanton disregard of the law, to the chagrin of the rest of society.<sup>5</sup> To a large extent the institutions that should fight the scourge of money laundering seem powerless to reign in such individuals. Arrests are often made, but a pattern has emerged where charges against such

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<sup>1</sup> See Chitimira and Ncube 2021 *PELJ* 21; also see related comments by Maguchu 2018 *African Security Review* 285.

<sup>2</sup> See related comments by Kemsley, Kemsley and Morgan 2022 *JFC* 589.

<sup>3</sup> Shambira 2020 *Electronic Journal of Social and Strategic Studies* 116; also see Ashin 2012 *Finance and Development* 39.

<sup>4</sup> Muronzi 2023 <https://www.aljazeera.com/news/2023/3/30/zimbabweans-outraged-by-al-jazeera-expose-of-gold-smuggling-elite>; also see Al Jazeera 2023 [https://www.youtube.com/results?search\\_query=gold+mafia+al+jazeera+documentary](https://www.youtube.com/results?search_query=gold+mafia+al+jazeera+documentary). The Gold Mafia is a four-part documentary that details the undercover gold smuggling and money laundering activities of people with ties to President Emmerson Mnangagwa and his government. It was aired in March 2023 and is available on YouTube.

<sup>5</sup> Muronzi 2023 <https://www.aljazeera.com/news/2023/3/30/zimbabweans-outraged-by-al-jazeera-expose-of-gold-smuggling-elite>.

influential individuals are routinely dropped.<sup>6</sup> In some instances, the alleged money launderers are acquitted under unclear circumstances. To that end, the institutions that should fight money laundering and related financial crimes appear to pay lip service to the need to arraign influential individuals for money laundering crimes. In other words, there are more arrests than convictions and this adversely affects the public's confidence in the criminal justice system and the AML framework in Zimbabwe.<sup>7</sup>

In light of the above, critics have coined an adage "catch and release", which is ascribed to the conduct of some role-players in Zimbabwe's criminal justice system. The "catch and release" practice connotes an undesirable exercise by the police, where they arrest a person(s) for an alleged offence, in this instance money laundering, only to release such a person(s) after some time, on the grounds that there is insufficient evidence to mount a successful prosecution that would culminate in conviction.<sup>8</sup> Apart from the police, prosecutors are equally found wanting on this aspect. It has become common cause that some of the prosecutors are corrupt and that they use their positions to solicit bribes in return for bungling cases or recommending light sentences for those convicted.<sup>9</sup> The police and prosecutors appear to "catch and release" especially those individuals who are politically connected or have deep pockets. Sometimes there are simply no arrests for the rich and powerful. For instance, the Gold Mafia documentary aired by the international television station Al Jazeera in early 2023 raises serious allegations of money laundering involving individuals close to President Emmerson Mnangagwa's office.<sup>10</sup> However, despite the damning allegations presented in the four-part documentary series, there has been utter silence from the institutions that should combat money laundering in Zimbabwe. To date, no arrest has been made in this regard and this has cast a shadow on the institutions that are supposed to combat money laundering in Zimbabwe. Put differently, the behaviour of the police and the prosecution authorities seems to reflect the selective application of the law. This is inimical to the successful combatting of money laundering and related crimes in Zimbabwe.

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<sup>6</sup> Chakamanga 2024 <https://newsreelzimbabwe.co.zw/2024/05/31/high-court-grants-bail-to-neville-mutsvangwa-and-two-others/>.

<sup>7</sup> See Maguchu 2018 *African Security Review* 286; Shambira 2020 *Electronic Journal of Social and Strategic Studies* 116.

<sup>8</sup> See related comments by Matunhu and Matunhu "Policing and Law Enforcement in Zimbabwe" 45.

<sup>9</sup> See New Ziana 2024 <https://www.sundaynews.co.zw/prosecutor-in-henrietta-rushwaya-gold-smuggling-case-jailed-8-years/>.

<sup>10</sup> Muronzi 2023 <https://www.aljazeera.com/news/2023/3/30/zimbabweans-outraged-by-al-jazeera-expose-of-gold-smuggling-elite>; also see Al Jazeera 2023 [https://www.youtube.com/results?search\\_query=gold+mafia+al+jazeera+documentary](https://www.youtube.com/results?search_query=gold+mafia+al+jazeera+documentary).

Thus, institutions such as the Zimbabwe Republic Police (ZRP), the National Prosecuting Authority (NPA), the Asset Forfeiture Unit (AFU) and the Zimbabwe Anti-Corruption Commission (ZACC) appear to be partial, compromised and incapacitated in the fight against money laundering in Zimbabwe.<sup>11</sup> There are other relevant AML role-players, which include the Financial Intelligence Unit of Zimbabwe (FIU), the Reserve Bank of Zimbabwe (RBZ), the police's Serious Fraud Squad, a unit of the Criminal Investigations Department (CID) and the government itself.<sup>12</sup> However, for the purposes of this article, the authors have limited the scope to six selected role-players. Thus, the article does not seek to be exhaustive of all stakeholders but to provide an in-depth analysis of the roles and functions of what could be considered the main actors in Zimbabwe's AML regulatory framework.

## 2 Definition of money laundering

Money laundering is a complex and multi-layered crime. It does not have a single definition. According to the Financial Action Task Force (FATF), money laundering refers to the processing of criminal proceeds to disguise their illicit origin.<sup>13</sup> Money laundering can further be understood as an act that seeks to conceal and disguise the nature, source, location, disposition or movement of the proceeds of crime in order to use such proceeds as if they derived from a legitimate or lawful source.<sup>14</sup> Money laundering can also be defined as the channelling of the proceeds of crime through legitimate financial institutions and businesses in a manner that seeks to conceal the original source of such proceeds, in order to utilise them as if they were legitimately earned.<sup>15</sup> It is apparent from these definitions that the money launderers seek to obfuscate the origins of the proceeds of crime in order to use or consume such resources as if they were lawfully earned.<sup>16</sup> Typically, the proceeds of crime are in the form of money, and the criminals seek to successfully launder the money so that they use it for purposes that appear legitimate.<sup>17</sup> Nonetheless, "money" laundered can also be in the form of minerals such as diamonds, gold, antique art, airline tickets, real estate, business ventures and luxury assets such as cars.<sup>18</sup> The money launderers' end goal is to make it difficult for law enforcement authorities to detect and trace the laundered money to its origins. This explains why money laundering often involves three processes: placement, layering and

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<sup>11</sup> See Jana *Comparative Statutory Analysis of the Regulation of Money Laundering* 104-107; Simwayi and Haseed 2011 *JMLC* 123.

<sup>12</sup> *Anti-Corruption Commission Act* [Chapter 9:22] 13 of 2004; see s 4(1).

<sup>13</sup> FATF *What is Money Laundering?* 1.

<sup>14</sup> See s 1 of the *Financial Intelligence Centre Act* 38 of 2001 (*FICA*).

<sup>15</sup> Chitimira and Ncube 2021 *PELJ* 3.

<sup>16</sup> FATF *What is Money Laundering?* 2.

<sup>17</sup> Duri 2020 *JMLC* 315.

<sup>18</sup> FATF *What is Money Laundering?* 2.

integration.<sup>19</sup> The said processes may involve several persons and could happen inside the borders of a particular jurisdiction but could also be international in nature.<sup>20</sup> All this shows the lengths to which money launderers go in their machinations to camouflage the origins of the proceeds of crime.

It follows that law enforcement authorities or those tasked to combat money laundering should be diligent in order to successfully deal with this crime. Thus, this article seeks to assess whether the AML role-players act within their powers to combat money laundering activities in the context of the AML regulatory framework in Zimbabwe. It is critical that a discussion be had in order to identify the weaknesses hindering the eradication of money laundering in Zimbabwe. In this regard, the authors discuss the provisions of the *Money Laundering and Proceeds of Crime Act*,<sup>21</sup> the primary legislation that regulates money laundering in Zimbabwe. The *MLPC Act* consolidates all other AML laws such as the *Serious Offences Act*,<sup>22</sup> the *Presidential Powers (Temporary Measures) Act*<sup>23</sup> and the *Bank Use Promotion and Suppression Act*.<sup>24</sup> The consolidation of Zimbabwe's AML framework was done in compliance with the international standards set by the FATF.<sup>25</sup> In 2021 the *Money Laundering and Proceeds of Crime (Amendment) Regulations*<sup>26</sup> were enacted to strengthen the *MLPC Act*. However, the robustness of Zimbabwe's AML regulatory framework remains in question. We argue that an effective and robust AML regulatory framework requires consistent enforcement and proactive coordination between and/or among the law enforcement authorities and other relevant

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<sup>19</sup> See related comments by Gaviyau and Sibindi 2023 *Journal of Risk and Financial Management* 2-4.

<sup>20</sup> Goredema 2007 *ISS Monograph Series* 78.

<sup>21</sup> *Money Laundering and Proceeds of Crime Act* [Chapter 9:24] 4 of 2013 (*MLPC Act*), s 1; see related comments by Adeleke 2019 *South African Journal of International Affairs* 380; Chitimira and Ncube 2021 *PELJ* 21.

<sup>22</sup> *Serious Offences (Confiscation of Profits) Act* [Chapter 9:17] 12 of 1990 (*Serious Offences Act*), s 2; see related comments by Simwayi and Haseed 2011 *JMLC* 115.

<sup>23</sup> *Statutory Instrument Regulations Presidential Powers Act (Temporary Measures) Act* 199 of 2006, s 4; see related comments by Simwayi and Haseed 2011 *JMLC* 115; Chitimira and Ncube 2021 *PELJ* 4.

<sup>24</sup> See the *Bank Use Promotion and Suppression of Money Laundering Act* [Chapter 24:24] 2 of 2004 (*BUPSML Act*); also see comments by Shambira 2020 *Electronic Journal of Social and Strategic Studies* 13; Moyo 2020 *Global Journal of Management and Business Research* 39.

<sup>25</sup> FATF 2023 <https://www.fatfgafi.org/content/dam/fatfgafi/recommendations/FATF%20Recommendations%202012.pdf.coredownload.inline.pdf>.

<sup>26</sup> See the *Money Laundering and Proceeds of Crime (Amendment) Regulations*, 2021; see related comments by Maguchu 2018 *African Security Review* 278, 281.

financial sector role-players.<sup>27</sup> The following section provides a general overview of what is expected of AML role-players in Zimbabwe.

### 3 Duties and functions of AML role-players in Zimbabwe

The *MLPC Act* outlines the role and functions of several role-players that are directly and indirectly involved in the combatting of money laundering in Zimbabwe, such as the ZRP, the NPA, the ZACC and the RBZ.<sup>28</sup> To begin with, we submit that AML role-players can perform better by aligning their functions and duties, cooperating and collaborating to avoid the duplication of functions. They can also share expertise to ensure consistency and transparency, and can operate in a manner that reduces regulatory arbitrage.<sup>29</sup> The FATF recommends that AML role-players should cooperate, collaborate and share information to streamline their duties.<sup>30</sup> For example, the police and the NPA can investigate, arrest and prosecute individuals for money laundering based on information obtained from FIU.<sup>31</sup> Similarly, the AFU and the NPA can execute their duties to clamp down on money launderers if they get quality information from the FIU.<sup>32</sup> In this regard the FIU is central in ferreting out money laundering activities affecting financial institutions, and relaying such information to other role-players.<sup>33</sup> In addition, the ZACC is a constitutional body that is enjoined to work together with the police and the NPA to combat improper conduct in the public and private sectors in Zimbabwe.<sup>34</sup> The following section takes an in-depth analysis of the FIU as a role-player in Zimbabwe's AML regulatory framework.

#### 3.1 The FIU and AML in Zimbabwe

The FIU has its roots in the Bank Use Promotion and Suppression of Money Laundering Unit (BUPSMLU) which was established in terms of the *Bank Use Promotion and Suppression of Money Laundering Act* in 2004.<sup>35</sup> A year later the BUPSMLU was renamed the Financial Intelligence Inspectorate Evaluation (FIIE) Unit. The enactment of the *MLPC Act* saw the FIIE

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<sup>27</sup> Chitimira and Ncube 2021 *PELJ* 13; Simwayi and Haseed 2011 *JMLC* 119; Adeleke 2019 *South African Journal of International Affairs* 380.

<sup>28</sup> See ss 3 of the *MLPC Act*; Simwayi and Haseed 2011 *JMLC* 120.

<sup>29</sup> Villányi 2021 <https://doi.org/10.1093/acrefore/9780190264079.013.708> 10; also see Chitimira and Ncube 2021 *PELJ* 21; Maguchu 2018 *African Security Review* 281.

<sup>30</sup> FATF 2023 <https://www.fatfgafi.org/content/dam/fatfgafi/recommendations/FATF%20Recommendations%202012.pdf.coredownload.inline.pdf>.

<sup>31</sup> Chitimira and Torerai 2023 *Acta Universitatis Danubius Juridica* 81-88.

<sup>32</sup> Section 6B of the *MLPC Act*; see related discussion by Stroligo, Hsu and Kouts *Financial Intelligence Units* 52.

<sup>33</sup> See related comments by Gwintsa "Challenges of Establishing Financial Intelligence Units" 45.

<sup>34</sup> *Constitution of Zimbabwe* 1 of 2013 (the *Constitution*), see s 255(1)(d)-(f).

<sup>35</sup> See the *BUPSML Act* s 3; also see s 6A(1) of the *MLPC Act*.

changed to the FIU.<sup>36</sup> The FIU has three distinct duties in Zimbabwe's AML framework.<sup>37</sup> Firstly, the FIU functions as the nerve centre where data on all financial transactions in the financial markets and financial institutions in Zimbabwe is collected.<sup>38</sup> Then the FIU is required to thoroughly analyse the collected data, sifting out information that points to the possibility of money laundering activities.<sup>39</sup> Such information is then developed into financial intelligence data. The FIU's third function is to distribute and/or share the financial intelligence data with other relevant AML role-players such as the police and the NPA for further processing and action.<sup>40</sup> Therefore, the FIU collects, analyses and shares information concerning money laundering and related crimes in Zimbabwe.<sup>41</sup>

Nonetheless, there are several challenges that militate against the FIU's playing its role effectively in Zimbabwe. In a world that is increasingly relying on artificial intelligence (AI) to detect and combat money laundering, it remains unclear whether Zimbabwe's FIU has adopted the same technologies.<sup>42</sup> This owes to the fact that there is a dearth of information on the specific technologies and tools used by the FIU to detect and combat money laundering in Zimbabwe. In addition, the *MLPC Act* does not expressly provide for the use of AI technologies to detect money laundering in Zimbabwe.<sup>43</sup> The recent development of highly sophisticated technology has added to the complexity of money laundering techniques, and AI technologies should be deployed to augment the traditional ways of combating financial crimes, especially those perpetrated with the aid of digital platforms.<sup>44</sup> The absence of express provisions on the use of AI to detect and combat money laundering in the *MLPC Act* betrays the lack of effectiveness and robustness of this statute in Zimbabwe. This perhaps explains why so many allegations of money laundering and its associated risks implicating individuals close to the political elite are never acted upon.

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<sup>36</sup> Section 6A of the *MLPC Act*.

<sup>37</sup> Section 6 of the *MLPC Act*; FATF 2023 <https://www.fatfgafi.org/content/dam/fatfgafi/recommendations/FATF%20Recommendations%202012.pdf.coredownload.inline.pdf>.

<sup>38</sup> Section 6C of the *MLPC Act*; also see Chitimira and Ncube 2021 *PELJ* 13.

<sup>39</sup> Section 6C of the *MLPC Act*; see related comments by Chitimira and Ncube 2021 *PELJ* 13.

<sup>40</sup> Section 6C(3) of the *MLPC Act*; Chitimira and Ncube 2021 *PELJ* 13.

<sup>41</sup> Section 3 of the *MLPC Act*; see related comments by Chitimira and Ncube 2021 *PELJ* 13; Simwayi and Haseed 2011 *JMLC* 120.

<sup>42</sup> Chitimira and Ncube 2021 *PELJ* 14; see related comments by Chitimira and Torerai 2021 *PELJ* 18; Arner, Berberis and Buckley 2016 *Northwestern Journal of International Law and Business* 4.

<sup>43</sup> Chitimira and Torerai 2021 *PELJ* 18; also see Chitimira and Ncube 2021 *PELJ* 14.

<sup>44</sup> See Recommendation 23 of the FATF Recommendations (FATF 2023 <https://www.fatfgafi.org/content/dam/fatfgafi/recommendations/FATF%20Recommendations%202012.pdf.coredownload.inline.pdf>); see related comments by Arner, Berberis and Buckley 2016 *Northwestern Journal of International Law and Business* 5; Ahmad, Green and Jiang 2020 *Journal of Economic Surveys* 762.

For instance, nothing has been done to those implicated in the Gold Mafia documentary more than a year after the broadcast.<sup>45</sup>

Furthermore, the absence of autonomy on the part of the FIU impedes its functions. The FIU is an administrative appendage of the RBZ, and it is headed by a director-general who is appointed by the central bank governor in consultation with the Minister of Finance and Investment Promotion.<sup>46</sup> This may potentially mean that the FIU's tentacles cannot spread beyond the remit and/or approval of its appointing authorities. Without sufficient political will from the appointing authorities, the FIU's operations are curtailed. For example, the FIU is precluded from recruiting and appointing staff who are not part of the civil service.<sup>47</sup> This requirement cripples the functions of the FIU since it cannot make use of expertise that is outside the public service. Moreover, the FIU's director-general has an added responsibility to act as the head of the national AML task force in Zimbabwe.<sup>48</sup> The national AML task force coordinates policy implementation to combat money laundering across government departments in Zimbabwe.<sup>49</sup> While it is important to have a national AML coordination strategy, money laundering is a crime that transcends national borders. In this regard the FIU should collaborate with other cross-border financial intelligence units to combat money laundering. To this end, there is no evidence that Zimbabwe's FIU collaborates with other international role players.<sup>50</sup> The fight against money laundering cannot be nationalistic, neither can it be successfully achieved without cooperation and collaboration with relevant international institutions. The challenge, though, remains that without sufficient autonomy, there is very little the FIU and the national AML taskforce can achieve in fighting money laundering in Zimbabwe. Perhaps there is a need to establish the FIU as an independent entity whose leadership is appointed by parliament and given the autonomy to recruit the best expertise available. The FIU needs to be freed from political appointments for it to function without the restraints discussed above. This could assist the FIU to forge ties with similar entities in other jurisdictions and for it to operate impartially without fear, favour or prejudice.

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<sup>45</sup> See comments by Muronzi 2023 <https://www.aljazeera.com/news/2023/3/30/zimbabweans-outraged-by-al-jazeera-expose-of-gold-smuggling-elite>.

<sup>46</sup> Section 6A(2) of the *MLPC Act*; see related comments by Simwayi and Haseed 2011 *JMLC* 126.

<sup>47</sup> Section 6C of the *MLPC Act*; FATF 2023 <https://www.fatfgafi.org/content/dam/fatfgafi/recommendations/FATF%20Recommendations%202012.pdf.coredownload.inline.pdf>.

<sup>48</sup> Section 12D(3) of the *MLPC Act*; also see Jayasekara 2020 *JMLC* 670.

<sup>49</sup> Section 12D(4) of the *MLPC Act*.

<sup>50</sup> Section 6N of the *MLPC Act*; see related comments by Hugo and Spruyt 2018 *TSAR* 237; Sathye and Patel 2007 *JMLC* 396.



The following section discusses the role of the ZACC in the AML regulatory framework in Zimbabwe.

### 3.2 *The ZACC and AML in Zimbabwe*

As aforementioned, the ZACC is a constitutional body established *inter alia* to combat corruption, theft, misappropriation, the abuse of power and other repugnant conduct in both the public and private sectors in Zimbabwe.<sup>51</sup> It has enabling legislation in the *ZACC Act*.<sup>52</sup> The ZACC forms part of the national AML taskforce in Zimbabwe.<sup>53</sup> Among its many functions, the ZACC investigates serious cases of corruption and fraud, and recommends that the police arrest and detain anyone who is reasonably suspected of committing money laundering.<sup>54</sup> Although money laundering is not expressly referred to among the crimes listed, there is often a nexus between money laundering and corruption that warrants the ZACC to investigate the former.<sup>55</sup> While it is not always the case that where there is money laundering there is corruption, one crime usually leads to the other. For instance, corruption may generate proceeds which necessitate money laundering in order to conceal the true origins of such proceeds.<sup>56</sup> Thus, corruption and money laundering are mutually reinforcing.<sup>57</sup> In this regard the ZACC has a mandate to investigate cases of corruption and related financial crimes such as money laundering.<sup>58</sup> Nonetheless, since 2013, when the new constitution came into operation, there has been very little success, if any at all, in combatting money laundering in Zimbabwe. There could be many reasons for the ZACC's failure, but we discuss only a few pertinent ones below.

Like the FIU, the composition of the ZACC appears problematic. The ZACC is constituted by four to a maximum of nine commissioners, all of whom are appointed by the President of Zimbabwe.<sup>59</sup> The nature of the appointment of commissioners alone clouds the independency expected of an entity policing graft. Notwithstanding the aforesaid, the *ZACC Act* provides that commissioners should be law abiding Zimbabwean citizens with high integrity who are known for their knowledge and experience in investigating

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<sup>51</sup> Section 255(1)(b) of the *Constitution*.

<sup>52</sup> Section 108A of the *Constitution*; see ss 11-12 of the *Zimbabwe Anti-Corruption Commission Act* 13 of 2004 (the *ZACC Act*).

<sup>53</sup> Section 12D(2)(u) of the *MLPC Act*.

<sup>54</sup> Sections 11 and 13 read with para 1(b) of the schedule of the *ZACC Act*.

<sup>55</sup> Chitimira and Munedzi 2021 *Journal of Comparative Law in Africa* 59; Mugarura 2016 *JFR&C* 76.

<sup>56</sup> Mugarura 2016 *JFR&C* 76; also see Maguchu 2018 *Journal of Financial Crime* 358; Verdugo 2016 <https://www.imf.org/external/pubs/ft/wp/2011/wp11177.pdf> 5.

<sup>57</sup> Chaikin 2008 *JFC* 270-274; Chitimira and Munedzi 2021 *Journal of Comparative Law in Africa* 59; Mugarura 2016 *JFR&C* 85.

<sup>58</sup> Section 12 of the *ZACC Act*.

<sup>59</sup> Section 108A(1) of the *Constitution*.

crime or prosecuting crime.<sup>60</sup> It is further required that among the appointed commissioners there should be at least one legal practitioner, one auditor or public accountant and one person with at least 10 years of experience in the investigation of crime.<sup>61</sup> Although the composition and experience expected of commissioners is reasonable, the appointment of the ZACC chairperson and the deputy chairperson raises serious concerns. The ZACC chairperson and deputy chairperson are appointed subject to the unregulated powers of the President of Zimbabwe.<sup>62</sup> In this regard, it is left to the discretion and whims of the President to appoint the ZACC's chairperson and deputy chairperson. In the absence of checks and balances, the likelihood of the President appointing his or her henchmen is very high. This compromises the integrity of the institution and once it fails to act on allegations of corruption and money laundering implicating the politically powerful, including the President, the public cannot be faulted for losing confidence in such an entity.

The other challenge pertains to the absence of arresting and prosecuting powers. The ZACC can investigate and recommend the police to arrest and assist the NPA with information to prosecute. This was set out in *Moyo v Sgt Chacha*,<sup>63</sup> where the Constitutional Court held that the ZACC had no authority to institute an arrest but could recommend that the police arrest a suspected criminal. This puts the ZACC in an unenviable position since the *ZACC Act* is silent on how the cooperation and collaboration with other AML role-players should be done to guarantee its effectiveness. Ultimately, the ZACC has no control over the arresting of criminals and the prosecution of cases, making it vulnerable to the failures of entities such as the police and the NPA. A case in point is that of the then President of the Zimbabwe Miners Federation, Ms Henrietta Rushwaya.<sup>64</sup> The individual named was apprehended at the Robert Mugabe International Airport for attempting to smuggle to Dubai 6kg of refined gold through the Very Important Person (VIP) lounge.<sup>65</sup> At the time of the arrest, the gold in her possession was said to be worth US\$330 000. Rushwaya, who is alleged to be a relative of President Mnangagwa, was also found with US\$5 000 on her person. Rushwaya's trial at the Anti-Corruption Court was held in camera, away from

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<sup>60</sup> Section 108A(2) of the *Constitution*.

<sup>61</sup> Section 108A(2) of the *Constitution*.

<sup>62</sup> Section 4(1) of the *ZACC Act*.

<sup>63</sup> *Moyo v Sgt Chacha* (CCZ 19 of 2017; Constitutional Application CCZ 73 of 2016) [2017] ZWCC 19 (20 September 2017); also see schedule 1, s 13(4) of the *ZACC Act*.

<sup>64</sup> Muronzi 2023 <https://www.aljazeera.com/news/2023/3/30/zimbabweans-outraged-by-al-jazeera-expose-of-gold-smuggling-elite>.

<sup>65</sup> See *S v Chin'ono* (294 of 2023) [2023] ZWHHC 228 (12 May 2023); also see s 182(1)(a) of the *Customs and Excise Control Act* [Chapter 23:02] 16 of 1955; Muronzi <https://www.aljazeera.com/news/2023/3/30/zimbabweans-outraged-by-al-jazeera-expose-of-gold-smuggling-elite>.

the public glare, owing to the case being termed "sensitive".<sup>66</sup> Upon the completion of the trial, Rushwaya was convicted for gold smuggling. She was fined US\$5 000 and given a wholly suspended 18 months jail term.<sup>67</sup> To all intents and purposes the sentence was a "slap on the wrist", given the seriousness of the crime and the profile of the person involved. What is equally disturbing is the fact that the NPA only pressed gold smuggling charges without mentioning any other related offences such as money laundering. In a shocking turn of events, a prosecutor in the same case who allegedly solicited a US\$20 000 from Rushwaya in return for a lighter sentence was convicted for fraud in 2024 and sentenced to an effective eight-year jail term.<sup>68</sup> The Rushwaya case provides a classic demonstration of the fact that politically exposed persons (PEPs) are treated with the proverbial kid gloves while the courts appear heavy-handed in dealing with common persons. This erodes the public's confidence in institutions such as the ZACC, the NPA and the courts.

The following section provides an analysis of the functions of the RBZ in the AML regulatory framework in Zimbabwe.

### **3.3 The RBZ's role in the AML framework in Zimbabwe**

The central bank also plays a critical role in Zimbabwe's AML regulatory framework. The RBZ is the primary financial sector regulator in Zimbabwe.<sup>69</sup> Among its many functions, the RBZ ensures that financial institutions comply with the AML laws.<sup>70</sup> In this regard, the RBZ can sanction institutions that fail to comply with the AML laws.<sup>71</sup> It is also important to note that the RBZ houses the FIU and that the two work closely together in conducting investigations.<sup>72</sup> Furthermore, the RBZ oversees banks that operate in Zimbabwe.<sup>73</sup> However, the advent of digital financial services such as mobile money has exposed the regulatory shortcomings in Zimbabwe's financial markets. The current statutory framework does not expressly endow the RBZ with the responsibility to regulate mobile network operators (MNOs) that provide mobile money services in Zimbabwe.<sup>74</sup> In Zimbabwe,

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<sup>66</sup> See ZTNPrime 2023 [https://www.youtube.com/watch?v=nl9vzy53A\\_U](https://www.youtube.com/watch?v=nl9vzy53A_U).

<sup>67</sup> See related comments by Svondo 2024 <https://www.newzimbabwe.com/prosecutor-in-rushwayas-gold-smuggling-case-sentenced-to-8-years-imprisonment-for-fraud/>.

<sup>68</sup> Svondo 2024 <https://www.newzimbabwe.com/prosecutor-in-rushwayas-gold-smuggling-case-sentenced-to-8-years-imprisonment-for-fraud/>.

<sup>69</sup> Section 2 of the *Reserve Bank of Zimbabwe Act* [Chapter 22:15] 5 of 1999 (the *RBZ Act*); Barugahara 2021 *International Journal of Financial Research* 263.

<sup>70</sup> Section 7(3) of the *RBZ Act*; also see Barugahara 2021 *International Journal of Financial Research* 263.

<sup>71</sup> Section 7 of the *RBZ Act*; also see Mugarura 2016 *JFR&C* 76.

<sup>72</sup> See Adeleke 2019 *South African Journal of International Affairs* 380; Maguchu 2018 *African Security Review* 281.

<sup>73</sup> Sections 1 and 6(1) of the *RBZ Act*; also see Chitimira and Torerai 2021 *PELJ* 13; Reserve Bank of Zimbabwe *Payment Services Providers and Participants* 12.

<sup>74</sup> Chitimira and Torerai 2021 *PELJ* 13; also see Chitimira and Ncube 2021 *PELJ* 18.

three MNOs, namely Econet Wireless, NetOne and Telecel, run the mobile money platforms Ecocash, Telecash and OneMoney respectively, and these play a huge role in the country's payments systems.<sup>75</sup> Mobile money operations in Zimbabwe are not comprehensively and fully regulated, though.<sup>76</sup> As such, this creates vulnerabilities and opportunities for mobile money services to be (ab)used for criminal activities such as money laundering and related financial crimes in Zimbabwe.<sup>77</sup> While the RBZ performs the overarching oversight of the entire financial markets and institutions as well as monetary policy in Zimbabwe, it does not have express statutory control over digital financial services such as mobile money.<sup>78</sup>

Consequently, money laundering and related crimes remain rampant under the RBZ's watch. This owes, in part, to political interference which makes it difficult for the RBZ to fulfil its roles and functions independently.<sup>79</sup> For example gold smuggling runs deep, as exposed in the Gold Mafia documentary, where the RBZ was even implicated as facilitating the receipt and laundering of funds received from the proceeds of gold smuggled from Zimbabwe and sold in the United Arab Emirates (UAE).<sup>80</sup> Thus, without sufficient functional autonomy the hands of the RBZ are tied and it cannot take action against PEPs that seem to be above the law in their brazen criminal activities. In this regard it is imperative that the RBZ governor be appointed by parliament as opposed to the President to minimise political influence from the highest office in Zimbabwe.

The following sections discuss the duties and functions of the police in combatting money laundering in Zimbabwe.

### **3.4 The role of the police in the AML framework in Zimbabwe**

An effective police force is a vital cog in the successful implementation of an AML scheme in every jurisdiction, including Zimbabwe.<sup>81</sup> In this regard the ZRP has a constitutional duty to enforce the laws, including those in the AML regulatory framework in Zimbabwe.<sup>82</sup> The *Constitution* provides that the police is responsible for the detection, investigation and prevention of

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<sup>75</sup> Tsokota, Chipfumbu and Maseko "Dark Side of Mobile Money Transfer" 5.

<sup>76</sup> See related comments by Chitimira and Torerai 2023 *Juridical Tribune* 392.

<sup>77</sup> Chitimira and Torerai 2023 *Juridical Tribune* 392.

<sup>78</sup> See ss 6 and 45 of the *RBZ Act*; Maguchu 2017 *JMLC* 145.

<sup>79</sup> See Chitimira and Ncube 2021 *PELJ* 3; Menz 2019 *JMLC* 619.

<sup>80</sup> Muronzi 2023 <https://www.aljazeera.com/news/2023/3/30/zimbabweans-outraged-by-al-jazeera-expose-of-gold-smuggling-elite>; VOA 2023 <https://www.voazimbabwe.com/a/6992112.html>.

<sup>81</sup> Matunhu and Matunhu "Policing and Law Enforcement in Zimbabwe" 43; Makwerere, Chinzete and Musorowegomo 2012 *International Journal of Humanities and Social Science* 132.

<sup>82</sup> Section 207(1)(b) of the *Constitution* read with s 219 of the *Police Act* [Chapter 11:10] 2 of 1995 (*Police Act*); Dissel and Frank *Policing and Human Rights* 178.

all forms of crime.<sup>83</sup> The police's Criminal Investigation Department (CID) has several units such as the serious fraud squad, which enforces the *MLPC Act*.<sup>84</sup> Ideally, police officers who are part of the CID unit should be specially trained to conduct investigations into money laundering activities, undercover operations, asset investigations, and the use of specialised technical and technological resources to detect money laundering in Zimbabwe.<sup>85</sup> The success or failure of the AML framework significantly depends on the competence of the police's CID unit.<sup>86</sup> In this regard the CID serious fraud squad is responsible for enforcing the provisions of the *MLPC Act* with the assistance of the national AML taskforce.<sup>87</sup> Therefore, the police works with other entities such as the FIU, the ZACC, the RBZ and the NPA in combatting money laundering.<sup>88</sup> The CID also has an Interpol unit, which cooperates with police forces from other countries to investigate cross-border crimes such as money laundering.<sup>89</sup>

However, the police have failed to curtail money laundering, especially in the country's recent history. This owes to several factors, including the poor training and capacitation of the police force. As a result, they cannot adequately conduct sound undercover operations or specialised investigations. Neither can they use specialised technical and technological resources to detect money laundering.<sup>90</sup> Zimbabwe has failed to sponsor specialised training programmes to ensure that the police force acquires the requisite expertise and technology to investigate and detect money laundering activities.<sup>91</sup> Although the constitution forbids the police from partisan application of the law, the police in Zimbabwe seem to have lost its national, patriotic and professional duty to serve the narrow interests of the current government.<sup>92</sup> It is no coincidence that the "catch and release" trend has become the norm, especially in money laundering investigations. For

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<sup>83</sup> Sections 207(1)(b) and 219 of the *Constitution*; also see s 219 of the *Police Act*; Matunhu and Matunhu "Policing and Law Enforcement in Zimbabwe" 43.

<sup>84</sup> Section 12D(2)(v) of the *MLPC Act*; Mashingaidze 2014 *Corporate Ownership and Control* 554.

<sup>85</sup> See comments by Schott *Reference Guide to Anti-Money Laundering* 97.

<sup>86</sup> Dissel and Frank *Policing and Human Rights* 197; also see Mashingaidze 2014 *Corporate Ownership and Control* 554.

<sup>87</sup> Section 12D(2)(v) of the *MLPC Act*; ss 4 and 5 of the *Police Act*; Makwerere, Chinzete and Musorowegomo 2012 *International Journal of Humanities and Social Science* 130.

<sup>88</sup> Dissel and Frank *Policing and Human Rights* 197; Mashingaidze 2014 *Corporate Ownership and Control* 554.

<sup>89</sup> Mashingaidze 2014 *Corporate Ownership and Control* 554; also see Simwayi and Haseed 2011 *JMLC* 129.

<sup>90</sup> See Schott *Reference Guide to Anti-Money Laundering* 97; Simwayi and Haseed 2011 *JMLC* 128; Makwerere, Chinzete and Musorowegomo 2012 *International Journal of Humanities and Social Science* 130.

<sup>91</sup> See Mashingaidze 2014 *Corporate Ownership and Control* 554; Simwayi and Haseed 2011 *JMLC* 129.

<sup>92</sup> See s 219(3) of the *Constitution*.

instance, in *S v Chikukwa*<sup>93</sup> a prominent businessman was arrested in 2013 on charges of fraud and money laundering, but he was immediately released on bail. The police never pursued this case afterwards. In this regard the political profile of an arrested person carries more weight than the gravity of the charges. As a result, cases that should be prioritised are ignored or indifferently pursued only to pacify the public, yet comparably smaller and less significant cases are pursued with all the zeal at the disposal of the police. We submit that members of the public could be justified in losing confidence in the police's ability to combat money laundering and related crimes in Zimbabwe. There should be concerted efforts towards honest policing in order to reassert the integrity of the police and the fight against money laundering.

The following section provides an analysis of the role of the NPA in the AML regulatory framework in Zimbabwe.

### **3.5 The NPA and AML in Zimbabwe**

The NPA is established in terms of the *Constitution* to institute and undertake criminal prosecutions on behalf of the state.<sup>94</sup> The same functions are repeated in the enabling statute, the *National Prosecuting Authority Act*.<sup>95</sup> The Prosecutor-General heads the NPA in Zimbabwe.<sup>96</sup> Although the Prosecutor-General's office is by nature a public office, it is not part of the public service.<sup>97</sup> In other words, the Prosecutor-General operates independently of government control. The *Constitution* stipulates that the President of Zimbabwe appoints the Prosecutor-General on the advice of the Judicial Services Commission (JSC).<sup>98</sup> However, the process of appointing the Prosecutor-General has been fraught with challenges, where the President has overridden the recommendations of the JSC.<sup>99</sup> While there are arguments for and against the presidential prerogative, the legislature should revise the relevant provisions to close this *lacuna*. Without clear guidelines, the interviews and recommendations of the JSC may just be academic. The Prosecutor-General and his team should operate subject only to the *Constitution*.<sup>100</sup> In this regard the Prosecutor-General should operate free of compulsion or anyone else's control, as his/her office must

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<sup>93</sup> *S v Chikukwa* (CRB 146 of 2016; HH 813 of 2016) [2016] ZWHHC 813 (3 October 2016).

<sup>94</sup> Section 258 of the *Constitution*.

<sup>95</sup> The NPA is established in terms of s 258 of the *Constitution*; also see s 3 of the *National Prosecuting Authority Act* [Chapter 7:20] 4 of 2014 (*NPA Act*).

<sup>96</sup> Section 259(1) of the *Constitution*; s 12(1)(a) of the *NPA Act*; see related comments by Mujuzi 2016 *SA Crime Quarterly* 37-38.

<sup>97</sup> Section 259(2) of the *Constitution*.

<sup>98</sup> Section 259(3) of the *Constitution*.

<sup>99</sup> Nxumalo 2023 <https://www.zimlive.com/mnangagwa-appoints-zacc-boss-matanda-moyo-as-new-prosecutor-general/>; ZLHR 2017 <https://www.zlhr.org.zw/?p=935>.

<sup>100</sup> Section 260(1) of the *Constitution*.

act impartially, without fear, favour, prejudice or bias.<sup>101</sup> The prosecution functions of the NPA include money laundering cases. In this regard the *MLPC Act* establishes the AFU in the NPA to ensure the successful and effective recovery of funds and/or the proceeds of crime in money laundering cases.<sup>102</sup> Fundamentally, the AFU facilitates the identification, tracing, freezing and confiscation of the proceeds of crime. This requires that the AFU needs to work together with other role-players such as the FIU, the ZACC and the police in order to successfully track down money laundered in Zimbabwe.<sup>103</sup> Apart from working closely with other national stakeholders, the NPA also shares notes, assists in investigations and supports international efforts to combat money laundering.<sup>104</sup> This is in line with the FATF's recommendations for member states to cooperate and coordinate with one another to combat money laundering and the related crimes.<sup>105</sup> Sharing information with international role-players ensures that the NPA keeps in the loop of money laundering trends.

However, there is no record suggesting that the NPA has what it takes to address the crime of money laundering in Zimbabwe. The inaction on the Gold Mafia movie and many other recent scandals is telling.<sup>106</sup> In 2019 the RBZ reportedly froze thirty bank accounts for illegal foreign currency dealing<sup>107</sup> but not a single individual has been prosecuted. It is rather disconcerting that in rare cases where the NPA has prosecuted, either the accused has walked away with a slap on the wrist or the charges have been dropped for lack of sufficient evidence.<sup>108</sup> The Rushwaya case is a good example, where the accused was fined a paltry US\$5 000 and given a wholly suspended 18 months jail sentence for smuggling 6kg of refined gold.<sup>109</sup> This bodes ill for Zimbabwe's AML efforts, as those who commit crimes of a serious nature appear to be going scot-free.

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<sup>101</sup> Section 260(1)(a) and (b) of the *Constitution*.

<sup>102</sup> Section 27A(4) of the *MLPC Act*; Schott *Reference Guide to Anti-Money Laundering* 35.

<sup>103</sup> Section 27A(4) of the *MLPC Act*; see related comments by Simwayi and Haseed 2011 *JMLC* 132; Maguchu 2018 *African Security Review* 281.

<sup>104</sup> Maguchu 2018 *African Security Review* 281; also see Maguchu 2017 *JMLC* 143.

<sup>105</sup> Financial Action Task Force 2023 <https://www.fatfgafi.org/content/dam/fatfgafi/recommendations/FATF%20Recommendations%202012.pdf.coredownload.inline.pdf>; also see Schott *Reference Guide to Anti-Money Laundering* 86.

<sup>106</sup> Muronzi 2023 <https://www.aljazeera.com/news/2023/3/30/zimbabweans-outraged-by-al-jazeera-expose-of-gold-smuggling-elite>.

<sup>107</sup> Mukwazhi 2019 <https://www.africanews.com/2021/09/29/zimbabwe-central-bank-freezes-30-accounts-over-illegal-activities/> 1.

<sup>108</sup> Svondo 2024 <https://www.newzimbabwe.com/prosecutor-in-rushwayas-gold-smuggling-case-sentenced-to-8-years-imprisonment-for-fraud/>.

<sup>109</sup> Svondo 2024 <https://www.newzimbabwe.com/prosecutor-in-rushwayas-gold-smuggling-case-sentenced-to-8-years-imprisonment-for-fraud/>.

It becomes apparent that the ZRP and the NPA have failed to effectively combat money laundering through the poor investigation and prosecution of cases in Zimbabwe. The respective shortfall by these two institutions may be attributed to an inadequate understanding of the depth and import of the *MLPC Act*. This was apparent in *Mehluleli Dube v Mungwari Esquire and the State*.<sup>110</sup> The NPA sought to add money laundering charges to the other charges in the case without considering the cardinal elements required to satisfy and sustain money laundering charges.<sup>111</sup> As a result, the High Court jettisoned the money laundering charges out of hand.<sup>112</sup> There could be two possible explanations of the actions of the NPA. Either they have a limited understanding of the *MLPC Act* or prosecutors bungle the cases deliberately. The latter idea feeds into the notion that some prosecutors have become corrupt due to their poor remuneration, and are subsumed in a generally unprofessional culture. A case in point is the conviction and jailing of the prosecutor who handled Rushwaya's gold smuggling case for fraud, as discussed above.<sup>113</sup> Apparently the said prosecutor solicited a US\$20 000 bribe in return for soliciting a lighter sentence for Rushwaya.<sup>114</sup> Unfortunately for this prosecutor, a trap was set and he was arrested after receiving the bribe.<sup>115</sup> Nonetheless, this case raises red flags about the conduct of prosecutors in Zimbabwe. Instead of prosecuting cases to their logical conclusions, some rogue elements in the NPA are doing the offenders' bidding. Basically, some prosecutors are abusing their role for personal gain, and this militates against the AML thrust in Zimbabwe.

The following section discusses the role expected of the government of Zimbabwe in fighting money laundering.

### **3.6 The role of the government of Zimbabwe in the AML framework**

The government of Zimbabwe is the custodian of promoting the development and enforcement of laws and policies that seek to combat money laundering.<sup>116</sup> It should also create a conducive environment for all role-players to function optimally in enforcing the AML regulations. This includes equipping and training law enforcement agencies such as the police and the NPA so that local AML standards are in line with international best practices. However, as discussed in the sections above, the

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<sup>110</sup> *Dube v Mungwari Esquire* (HC 10875 of 2017; HH 101 of 2018) [2018] ZWHHC 101 (28 February 2018) (*Dube case*).

<sup>111</sup> Section 8 of the *MLPC Act*; see related discussion by Maguchu 2017 *JMLC* 142.

<sup>112</sup> *Dube case* para 4; also see discussion by Maguchu 2017 *JMLC* 142.

<sup>113</sup> See para 3.2 above; New Ziana 2024 <https://www.sundaynews.co.zw/prosecutor-in-henrietta-rushwaya-gold-smuggling-case-jailed-8-years/>.

<sup>114</sup> New Ziana 2024 <https://www.sundaynews.co.zw/prosecutor-in-henrietta-rushwaya-gold-smuggling-case-jailed-8-years/>.

<sup>115</sup> New Ziana 2024 <https://www.sundaynews.co.zw/prosecutor-in-henrietta-rushwaya-gold-smuggling-case-jailed-8-years/>.

<sup>116</sup> Maguchu 2022 *JMLC* 309; Duri 2020 *JMLC* 320.



government has failed to adequately equip the AML role-players. Consequently, entities such as the FIU, the ZACC and the NPA are ill-equipped in terms of resources and training to be effective in combatting money laundering and the related crimes. To cite an example, the government has failed to adopt and has not fostered the use of AI tools to modernise the criminal justice sector. The use of AI tools and algorithms such as computer vision, machine learning, predictive analytics and natural language processing analytics could greatly assist the FIU, the police, the NPA and other role-players to monitor and detect suspicious transactions in Zimbabwe's financial markets.<sup>117</sup> For this reason it is not surprising that even government officials are submerged to a great extent under the growing money laundering tide in Zimbabwe.<sup>118</sup> Corruption and the looting of state resources by government officials have also affected the adequacy and robustness of the AML measures. During the COVID-19 pandemic the then Minister of Health, Obadiah Moyo, was dismissed for allegedly looting or facilitating the looting of COVID-19 relief funds and for the criminal abuse of his office.<sup>119</sup> Many other similar cases involving government functionaries have been reported but it is challenging to apprehend those responsible because most of such things are done manually in Zimbabwe. Accordingly, we submit that the government should embrace technology such as AI not only to modernise its functions but also to assist in combatting the money laundering that is taking digital guises.

The following section provides recommendations made with the purpose of enhancing the effectiveness of the AML role-players in Zimbabwe.

#### 4 Concluding remarks

There are several AML role-players in Zimbabwe. The select few discussed in this article include the FIU, the RBZ, the ZRP, the ZACC, the NPA and the government of Zimbabwe. Despite the existence of these role-players, we submit that allegations of money laundering continue to fester in Zimbabwe. In this regard, there are several factors contributing towards the apparent failure to combat money laundering. The "catch and release" phenomenon erodes confidence in Zimbabwe's AML regulatory framework.<sup>120</sup> Consequently, there is generally a lackadaisical approach to dealing with money laundering, and this results in insufficient deterrence to criminals and those of their ilk.<sup>121</sup> It appears that there is no political will to stop graft, and this is an indictment of Zimbabwe's political elite. Moreover,

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<sup>117</sup> See Han *et al* 2020 *Digital Finance* 215; also see Kute *et al* 2021 *IEEE Access* 82304; Alhajeri and Alhashem 2023 *Intelligent Information Management* 287.

<sup>118</sup> Kurebwa 2021 *International Journal of World Policy and Development Studies* 30; Goredema and Montsi 2002 *African Security Studies* 5-15.

<sup>119</sup> Mpofu, Tshuma and Msimanga 2023 *New Journalism Ecologies* 135.

<sup>120</sup> See para 1 of this article.

<sup>121</sup> See the discussion in para 3.2 above.

the government of Zimbabwe seems to be antipathetic to the adoption and use of technology, yet this could be useful in detecting and combatting crimes such as money laundering.<sup>122</sup> We argue that technology can no longer be ignored or wished away. Thus, the government should not only conform its functions to modern technological advances as detailed above but also begin to integrate its work processes around AI technology in order to optimally realise its benefits. There is a great need to move away from rudimentary paper-and-file systems to digital ways of doing tasks as this is faster, more efficient and more convenient. This could also capacitate AML role-players to combat money laundering at levels comparable to international levels. The failure to adopt and use technology hinders the effective functioning of the AML role-players in combatting money laundering.

The twin evils of corruption and political interference also lead to the ineffectiveness of the police and the NPA in fulfilling their functions.<sup>123</sup> The poor remuneration of police officers and prosecutors could be a factor in this regard. Consequently, unscrupulous individuals use their money to control the behaviour and actions of the police and prosecutors in Zimbabwe. This may explain why money laundering cases involving PEPs and other influential persons are usually withdrawn for lack of evidence or if there are convictions, the sentences meted on the culprits are inconsequential or wholly suspended.<sup>124</sup> This warrants the revision of the salaries paid to the police and prosecutors, so that they will not easily be tempted to accept bribes. Additionally, there is a need for the reorientation of the police and the NPA so that the war against money laundering is waged with the rigour it deserves. Above all, there should be political will and action demonstrating that the government of Zimbabwe is serious about fighting money laundering. A good starting point would be to ensure that PEPs and other influential persons fully account for their actions once they are found to be on the wrong side of the law.

All in all, the appointment of the heads of the role-playing organisations referred to above should also be revisited in order to minimise the possible influence of the President. As it stands, the President of Zimbabwe wields unfettered power in determining who to appoint in key AML entities. Perhaps, a better arrangement could be to devolve the President's powers to parliament so that entities such as the ZACC, the NPA and others are held to account by a more representative and diverse forum. This might also give the AML role-players' leadership the latitude to pursue money laundering investigations and prosecution without fear, favour or prejudice.

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<sup>122</sup> See para 3.1 above.

<sup>123</sup> See para 3.5 above.

<sup>124</sup> See para 3.5 above.

At the moment, the AML role-players have not done enough to inspire confidence in the fight against money laundering and related crimes in Zimbabwe.

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## List of Abbreviations

AFU	Asset Forfeiture Unit
AI	Artificial Intelligence
AML	Anti-Money Laundering
BUPSMU	Bank Use Promotion and Suppression of Money Laundering Unit
CID	Criminal Investigation Department
FATF	Financial Action Task Force
FIIE	Financial Intelligence Inspectorate Evaluation Unit
FIU	Financial Intelligence Unit
JFC	Journal of Financial Crime
JFR&C	Journal of Financial Regulation and Compliance
JMLC	Journal of Money Laundering Control
JSC	Judicial Services Commission
MNOs	Mobile Network Operators
MPLC Act	Money Laundering and Proceeds of Crime Act
NPA	National Prosecuting Authority
PELJ	Potchefstroom Electronic Law Journal
PEPs	Politically Exposed Persons
RBZ	Reserve Bank of Zimbabwe
TSAR	Journal of South African Law/Tydskrif vir die Suid-Afrikaanse Reg
VIP	Very Important Person
ZACC	Zimbabwe Anti-Corruption Commission
ZLHR	Zimbabwe Lawyers for Human Rights
ZRP	Zimbabwe Republic Police