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**Review of implementation of the United Nations
Convention against Corruption**

Executive summary

Note by the Secretariat

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II. Executive summary

Zimbabwe

1. Introduction: Overview of the legal and institutional framework of Zimbabwe in the context of implementation of the United Nations Convention against Corruption

Zimbabwe signed the Convention on 20 February 2004 and ratified it on 8 March 2007. The Convention entered in force for Zimbabwe on 7 April 2007.

Pursuant to Section 89 of the Zimbabwean Constitution, both statutory and common law offences related to corruption were applicable until the enactment of the 2006 amendments to the Criminal Law. According to Section 3 thereof, Roman Dutch criminal law is no longer applicable, but relevant case law is still referred to.

The institutions most relevant to the fight against corruption in Zimbabwe are the Anti-Corruption Commission (ZACC), the Department of Anti-Corruption and Anti-Monopolies in the Ministry of Home Affairs, the Attorney General's Office (Economic Crimes and International Cooperation Department), the Director of Public Prosecutions, the Zimbabwe Republic Police, the Financial Intelligence Unit, the National Economic Conduct Inspectorate and the Public Service Commission. There are several law enforcement agencies and other relevant stakeholders include the judiciary, parliamentarians, civil society, the private sector and the media.

Although not in force at the time of the review, a new Constitution came into force in May 2013 that addresses asset declarations, illicit enrichment, the powers and mandate of ZACC and the ratification of international treaties, among other areas. Other institutional changes include the dissolution of the Department of Anti-Corruption and Anti-Monopolies.

Zimbabwe is a member of the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), the Southern African Development Community (SADC), the Asset Recovery Inter-Agency Network of Southern Africa (ARINSA), INTERPOL, and the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO). ZACC is a member of the Southern African Forum against Corruption (SAFAC), the International Association of Anti-Corruption Authorities (IAACA), and the African Association of Anti-Corruption Authorities (AACA).

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (articles 15, 16, 18, 21)

Section 170 of the Criminal Law criminalizes active and passive bribery of "agents", defined to include public officers, parliamentarians, judges and anyone in the private sector. However, persons performing unpaid services or functions for the State or a public enterprise, as enumerated in article 2 of the Convention, are not covered. The agency concept inherent in the bribery offence defines the purpose of the offence "in relation to the affairs of a principal", rather than the UNCAC purpose (that the public official "act or refrain from acting in the exercise of his or her official duties"). Furthermore, the object of the bribe (undue advantage) is

limited to an arrangement between an agent and a principal, and not in relation to the public official's position.

While Section 170 is equally applicable to bribery in the public and private sectors as well as trading in influence, the bribery of public officials can be considered an aggravating circumstance during sentencing.

The bribery provisions in the Criminal Law do not address the bribery of foreign public officials or officials of public international organizations.

Money-laundering, concealment (articles 23, 24)

While most of the relevant sections of the Criminal Law are in line with the Convention, the conversion of proceeds of crime is not addressed. Section 206 of the Criminal Law addresses assistance by an accessory in the concealment of criminal proceeds.

All corruption offences criminalized in Zimbabwe constitute "serious" offences under the Serious Offences (Confiscation of Profits) Act and are thus predicate offences for money-laundering. A prior conviction on the predicate offence is not required to institute money-laundering charges and Zimbabwe's legal system allows the prosecution of self-laundering.

Embezzlement, abuse of functions and illicit enrichment (articles 17, 19, 20, 22)

Section 113 of the Criminal Law is applicable to embezzlement in both the public and private sectors, because theft and embezzlement are used synonymously in Zimbabwean law. Theft includes theft by conversion and covers money or other property held in trust, i.e. misappropriation. The embezzlement of funds by a public official can be considered an aggravating circumstance during sentencing. The abuse of functions is criminalized in Section 174 of the Criminal Law.

Zimbabwe has not criminalized illicit enrichment but has taken concrete steps in considering the adoption of such measures, as exemplified by the development of a proposed Code of Conduct for Parliamentarians. Furthermore, legislation on illicit enrichment is underway with a view to harmonizing Zimbabwe's legislation with other regional instruments against corruption.

Obstruction of justice (article 25)

While Section 184 of the Criminal Law criminalizes defeating or obstructing the course of justice, the means specified in the Convention are not enumerated, though it was explained that these acts were encompassed by the broad concept of obstructing the course of justice. Additionally, Section 178 of the Criminal Law (obstruction of a public official) as well as Section 13 of the Prevention of Corruption Act (offences relating to investigations) criminalize interference with the course of justice.

Liability of legal persons (article 26)

The criminal liability of legal persons is established through Section 277 of the Criminal Law and Section 385 of the Criminal Procedure and Evidence Act. Moreover, sanctions for legal persons are specified in each offence for which legal persons can be held liable.

Participation and attempt (article 27)

Part I (Sections 195 to 198) of Chapter XIII of the Criminal Law criminalizes participation or assistance before or during the commission of crimes for co-perpetrators and accomplices in all offences. Part II deals with assistance after the commission of crimes.

The attempted offence is criminalized in Section 189 of the Criminal Law, and is applied in conjunction with Section 188 (conspiracy) in cases of preparation for an offence.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (articles 30, 37)

The maximum punishment for corruption offences of 20 years imprisonment and fines up to US\$ 5,000 can be imposed simultaneously in Zimbabwe. There is no minimum mandatory sentence for corruption offences. Sentencing is subject to judicial discretion, and the involvement of a public official is treated as an aggravating circumstance. Zimbabwe might consider establishing non-discretionary minimum sentences for corruption offences and to review the established maximum fines.

Presidential immunity, Article 30 of Zimbabwe's Constitution, only applies to sitting Presidents. While the privileges of members of Parliament are protected in Section 49 of the Constitution, such privileges have been waived.

The Attorney General has a wide range of discretionary powers in accordance with UNCAC article 30, paragraph 3. Sections 116-118 of the Criminal Procedure and Evidence Act outline bail as a right of every accused that can only be denied if the court finds that it is in the interest of justice, as well as in certain extradition cases.

In Zimbabwe, the President has powers to grant amnesty or pardon to any person, normally where a prisoner has ill-health, and may also commute sentences. The President does so regularly in accordance with the Criminal Procedure and Evidence Act.

Public officials can be suspended when under investigation or suspected of misconduct, including corruption, as outlined in the Public Service Regulations 2000. According to the Regulations, any person convicted of a criminal offence is permanently ineligible for employment in the public service. Codes of Conduct are applicable to public servants in Zimbabwe.

According to Section 336 of the Criminal Procedure and Evidence Act, offenders can be sentenced also to community service. To this end, the Government recently launched a pretrial diversion programme to compliment the community service. Furthermore, some reintegration programmes are run in coordination with non-governmental organizations.

On cooperation with law enforcement authorities, it was noted that in December 2003 the Reserve Bank of Zimbabwe and Zimbabwe Revenue Authority established a Whistleblower Fund to provide financial rewards for exposing corrupt practices in the business sector and to encourage reporting of money-laundering and corruption cases. Furthermore, the Sentencing Guidelines contain principles for the

mitigation of sentences, including the cooperation of an offender or guilty pleas. Immunity from prosecution can also be granted to accomplices.

Protection of witnesses and reporting persons (articles 32, 33)

While the protection of victims could in principle fall within the scope of the vulnerable witness protection measures, Zimbabwe does not currently provide protection specifically for corruption related offences. The Anti-Corruption Commission Act gives ZACC powers to provide for the protection of persons assisting in corruption investigations. Section 14 of the Prevention of Corruption Act criminalizes interference with investigations. Moreover, legislation on the protection of witnesses, whistle-blowers and reporting persons is in process. In addition, witness protection schemes allowing for the relocation of witnesses across borders are being explored at the regional level.

Zimbabwe has established victim-friendly facilities in all district courts and in the High Court, where vulnerable witnesses can testify in separate court rooms and their testimony can be transmitted electronically into the court room. Separate facilities for taking testimony of vulnerable witnesses are also in place in hospitals and with the police. In addition, juveniles can testify under the supervision and guidance of an intermediary, as set forth in the Criminal Procedure Code. However, it is the court that determines whether a person is considered a vulnerable witness and can enjoy the above-mentioned measures.

Freezing, seizing and confiscation; bank secrecy (articles 31, 40)

In Zimbabwe, the State automatically applies for a forfeiture order after conviction as part of a criminal case under Section 8 of the Serious Offences (Confiscation of Profits) Act. Forfeiture is also possible without a prosecution or conviction under Section 24 of the same Act. While the power to confiscate assets corresponding to the value of criminal proceeds is not addressed in the legislation other than in the case of forfeiture in bribery cases (Section 62A), this has not presented issues in practice, where Section 24 of the Act is applied.

ZACC has powers to conduct searches and seizures under Section 13 of the Anti-Corruption Commission Act, which requires a ZACC officer to notify and be accompanied by a police officer when conducting a search, entry or seizure. An expansion of the definition of “police officer” in the Confiscation Act to also include officers of ZACC would allow the ZACC to conduct searches and seizures independently in all circumstances.

The police and prosecutors have the full range of powers to search and trace assets. The financial intelligence unit (FIU) in the Reserve Bank of Zimbabwe has powers to temporarily freeze transactions for which suspicious transaction reports (STRs) have been filed for up to seven days, though this power is rarely used.

Although the power to freeze, seize and confiscate transformed or converted property is not directly addressed, Section 24 of the Confiscation Act can be applied in these circumstances. The confiscation of benefits is addressed in Section 15 and third party interests are protected under Sections 5 and 10 of the Confiscation Act.

Issues of bank secrecy do not pose any challenges to the investigation and pursuit of corruption offences. No court order is needed for ZACC and other investigative

authorities to access financial and bank records during the investigative stage, as per Section 288 of the Criminal Procedure and Evidence Act, which also applies to criminal proceedings for evidentiary purposes.

Statute of limitations; criminal record (articles 29, 41)

The statute of limitations is set out in Sections 23 and 160 of the Criminal Procedure and Evidence Act. While the prescription period of 20 years in corruption cases cannot be suspended, this has not presented obstacles in practice.

Evidence of previous foreign convictions is not generally admissible in Zimbabwe, except as provided in Sections 323 to 327 of the Criminal Procedure and Evidence Act, which base admissibility on whether a previous conviction is an essential element of the offence with which a person is charged.

Jurisdiction (article 42)

Territorial jurisdiction is outlined in Section 5 of the Criminal Law and extends to offences committed on board vessels and aircraft of Zimbabwe. If the offence is committed by a citizen of Zimbabwe against another citizen abroad, jurisdiction is applied in accordance with the harmful effects doctrine.

Jurisdiction over extra-territorial incitement or conspiracy to commit a crime in Zimbabwe is addressed in Section 191 of the Criminal Law, as read with the definition provisions in Section 2 of the Serious Offences (Confiscation of Profits) Act, which cover predicate offences committed outside Zimbabwe.

Zimbabwe can and does extradite its nationals, as permitted under Sections 3 and 6 of the Extradition Act and retains jurisdiction in cases where it would not extradite its nationals.

In cases not involving a formal request, Zimbabwe will consult with other States as a matter of practice when it becomes aware of a relevant foreign investigation or proceeding in line with Section 9 of the Criminal Matters (Mutual Assistance) Act (MLA Act).

Consequences of acts of corruption; compensation for damage (articles 34, 35)

Legislative provisions, such as the Banking Act and the Companies Act, allow for the withdrawal of licenses of persons convicted of crimes. Furthermore, the FIU can impose administrative sanctions, ranging from letters requesting corrective action to fines and the withdrawal of licenses. A system of blacklisting is in place, but only for contracts procured through the State Procurement Board (generally in excess of US\$ 50,000).

Specialized authorities and inter-agency coordination (articles 36, 38, 39)

ZACC was created by a Constitutional amendment in 2005 with an aim to combat corruption, theft, misappropriation, abuse of power and other improprieties in the conduct of affairs in both the public and private sector. The Commissioners are appointed by the President in consultation with the Committee on Standing Rules and Orders for a term of two years and the Chairman is appointed for a term of three years, each renewable once. Currently, ZACC has a staff of 57 officers in six divisions in Harare. ZACC does not have the power to conduct prosecutions,

though such powers would be useful to its operations. ZACC works together with other law enforcement agencies in conducting searches and seizures.

The role of the Department of Anti-Corruption and Anti-Monopolies (DAC) in the Ministry of Home Affairs is to ensure that anti-corruption laws are supported by policies, to ensure appropriate conditions of service and resources for ZACC and to render advice on key policy issues. DAC primarily investigates complaints received, although it is also empowered to temporarily interrupt certain activity on suspicions of illicit conduct.

There are several special units in the Zimbabwe Republic Police which deal with combating corruption. The police has classified corruption among the top ten of 40 serious crimes. Internally, the police has set up a zero tolerance policy against corruption, as well as a code of conduct, which includes conducting lifestyle audits of police officers. Internal disciplinary procedures against officers can be conducted in parallel to criminal investigations. Complaint desks for reporting corruption exist in all departments and offices in the police force.

The Anti-Corruption Commission Act provides for harmony between the police and ZACC and Section 13 gives the Attorney-General the power to intervene in cases of conflict. Most searches and seizures are done jointly between ZACC and the police, including joint investigations.

The Financial Intelligence Inspectorate and Evaluation Section (FIU) under the Reserve Bank of Zimbabwe complements the police and ZACC. The FIU currently has a staff of 16 people. The FIU cooperates with the Zimbabwe Republic Police, ZACC, the Attorney General's Office, the Zimbabwe Revenue Authority and National Economic Conduct Inspectorate (NECI) in the Ministry of Finance, among others, and provides them with relevant information.

Public officials have a duty to report misconduct under the Public Service Regulations 2000. While there is no duty by citizens to report corruption, the Reserve Bank of Zimbabwe has set up a whistle-blower system to receive complaints from the public. The police and ZACC have 24-hour reporting systems. In terms of partnerships with the public, the Zimbabwe Republic Police adheres to a service charter that entitles members of the public to file complaints. The police is also part of a Crime Consultative Committee that includes members of the public and runs complaint boxes for the public. It also conducts awareness-raising campaigns on crime and corruption.

2.2. Successes and good practices

Overall, the following successes and good practices in implementing Chapter III of the Convention are highlighted:

- A National Code of Corporate Governance for the private sector is being developed and is in the final stages of consideration.
- Each of Zimbabwe's 73 districts has a Public Service Commission. The Commission conducts system reviews or audits and makes appropriate recommendations to agencies to address systemic issues. For example, it has advised agencies to introduce public financial management procedures into their operations based on systems reviews. The Public Service Commission also receives corruption complaints from the general public.

- Zimbabwe Republic Police officers receive training on corruption upon recruitment and through workshops held every three months that address corruption issues. Promotion exams also include a question on corruption.

2.3. Challenges in implementation, where applicable

The following steps could further strengthen existing anti-corruption measures:

Overall, it was proposed that Zimbabwe consider consolidating all corruption-related legislative matters in one law to create a comprehensive legal framework and also examine ways to enhance coordination among the different institutions.

In particular, Zimbabwe could benefit from adopting the following legislative and related measures:

1. Monitoring the application of the bribery provisions regarding the intended purpose in cases involving public officials; should the judiciary not interpret the law accordingly in future cases, consider possible legislative amendments in line with the Convention;
2. Coverage of persons performing unpaid services or functions for the State or a public enterprise;
3. Bribery (active and passive) of foreign public officials and officials of public international organizations;
4. A provision on trading in influence to ensure greater legal certainty in future cases in line with the Convention;
5. A system of asset and income declarations applicable to high-level public officials;
6. The establishment of corruption offences under consideration by Zimbabwe as serious offences to qualify as predicate crimes for money-laundering;
7. Enhancement of the fines specified in the Criminal Law to deter legal persons from engaging in corruption;
8. Efforts to ensure the ongoing implementation of UNCAC article 30, paragraph 1, in particular concerning minimum sentences and applicable fines;
9. Strengthening measures to promote the reintegration of convicted persons into society;
10. Steps to clarify the legislation in relation to the conversion of criminal proceeds and intermingled proceeds, as well as value based confiscation;
11. Expanding the term “police officer” in the Confiscation Act to also include officers of ZACC to allow them to conduct searches and seizures independently;
12. The protection of witnesses, experts and victims in corruption-related cases, specifically with respect to the draft law on protection of witnesses, whistle-blowers and reporting persons;

13. Measures to formally report convictions to the licensing authorities for appropriate action, including possible withdrawing of licenses and blacklisting;
14. Continued attention to spontaneous information sharing among law enforcement authorities in corruption cases; and
15. Continued efforts to ensure the public reporting of corruption.

The importance of continued attention and dedication of resources to the fight against corruption in the private sector by relevant anti-corruption bodies in Zimbabwe was emphasized, in particular ZACC, the Zimbabwe Republic Police and the Department of Anti-Corruption and Anti-Monopolies in the Ministry of Home Affairs.

It was observed that a lack of resources to raise awareness and provide adequate training to enhance staff capacity contributed to a perception of mistrust in some criminal justice institutions. In order to address this issue it is recommended that:

1. Staff capacity of criminal justice institutions be built, especially in the provinces, in particular through training.
2. Decentralization in the provinces be established as a matter of priority by ZACC.
3. ZACC continue as a matter of priority to raise awareness of its functions, increase transparency, facilitate the reporting of corruption, and raise public confidence in the fight against corruption, including via its website.
4. Public awareness campaigns be conducted by ZACC and the Zimbabwe Republic Police in conjunction with other stakeholders, including civil society.
5. Zimbabwe consider whether there is a need to raise awareness of the National Anti-Corruption Policy adopted in 2004 to strengthen the enforcement of existing measures at the top levels of the legislature, executive and judiciary, as well as heads of agencies.
6. Zimbabwe consider whether ZACC's oversight role could be enhanced by making ZACC recommendations binding on the subject institutions. Moreover, powers of arrest, search and seizure would enhance ZACC operations.
7. Some prosecutorial powers or secondments of prosecutors to ZACC would enhance its ability to effectively combat corruption.

2.4. Technical assistance needs identified to improve implementation of the Convention

The following forms of technical assistance could assist Zimbabwe in more fully implementing the Convention:

- Article 20: Summary of good practices/lessons learned.
- Articles 32, 33 and 37: Capacity-building programmes for authorities responsible for establishing and managing protection programmes and seeing best practices. On-site assistance by a relevant expert as well as model agreements or arrangements.

- Article 36: A need for training of investigative personnel in ZACC.
- Article 39: A summary of good practices/lessons learned as well as capacity-building programmes.

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

*Extradition; transfer of sentenced persons; transfer of criminal proceedings
(articles 44, 45, 47)*

Zimbabwe does not make extradition conditional on the existence of a treaty and could in principle use the Convention as a legal basis for extradition. It has concluded two bilateral extradition treaties with Mozambique and the United States of America, which form part of the law of Zimbabwe. Extradition is possible to and from designated countries under the Extradition Act, under the London Scheme and on the basis of reciprocity. The SADC Protocol on Extradition further allows for extradition to and from SADC member States.

Extradition agreements may relate to any offences, whether or not they are offences in Zimbabwe (Section 3(2)(a) of the Extradition Act). However, the offence must constitute an offence punishable in Zimbabwe if the act or omission constituting the offence took place in Zimbabwe.

Zimbabwe will only grant extradition where the offence is punishable by at least one year in the requesting State and is recognized as an offence in Zimbabwe. Certain corruption offences may therefore not be extraditable. Section 16 of the Act expressly provides for procedures to be followed, what documents are required, as well as the relevant legal provisions and penalties applicable to offences for which extradition is sought. Further, the law establishes circumstances in which extradition may be denied. To date, Zimbabwe has not refused any extradition request. Typically extradition requests are handled by Zimbabwe within three months. Simplified evidentiary requirements involving designated countries, as set out in Section 16 of the Act, further expedite such cases.

Zimbabwe imposes no conditions on the extradition of its nationals and has not refused to extradite a national to date. However, as a matter of practice, Zimbabwe would request further information from a requesting State before refusing the extradition of a national. Zimbabwe would not consider enforcing the remainder of a foreign sentence where extradition of a national is refused.

The presence of the accused at trial is assured through the legal provision for the arrest of the person whose extradition is sought. General restrictions and Section 15 of the Extradition Act provide safety measures for protecting suspects. Section 26 of the Act guarantees the accused's rights to bail and legal representation with the right to appeal set out in Sections 7 or 18. Even where an extradition order has been granted, should the requesting State fail to receive the extradited suspect within a period of two months the accused is entitled to seek his discharge in terms of Section 33 of the Act.

The Transfer of Offenders Act only addresses transfers subject to the prisoner's wish. There is no specific law that addresses the transfer of criminal proceedings in

Zimbabwe, nor any experience in this area. In principle, Zimbabwe could proceed under Section 11 of the MLA Act.

Mutual legal assistance (article 46)

To date, Zimbabwe has responded to all incoming mutual legal assistance (MLA) requests. Formal requests for MLA are received and processed by the Attorney General's Office. The majority of requests are received by the institutions directly. The following agencies can receive requests: ZACC, Zimbabwe Republic Police (through INTERPOL channels), the FIU and the Zimbabwe Revenue Authority.

When the production of evidence is required, all MLA requests must be validated by the Attorney General's office. The MLA Act outlines other forms of assistance that can be rendered outside the Act, such as verbal or informal requests, for instance through ARINSA, SARPCCO and the Harare Scheme, of which Zimbabwe is a member.

The Serious Offences (Confiscation of Profits) Act and the MLA Act regulate the taking of evidence, service of judicial documents, searches and seizures or freezing in relation to foreign offences.

An MLA request for the freezing of funds can be executed without the Attorney General's involvement; however, requesting the return of funds requires the Attorney General's involvement. In order to give effect to a foreign freezing, seizing or confiscation order, a domestic proceeding must be initiated to register and give effect to the order. Matters requiring freezing of assets can be done immediately upon receipt of the request through INTERPOL.

Zimbabwe's courts have accepted evidence obtained from foreign countries under Section 10 of the Criminal Procedure and Evidence Act, which forms the basis for informal requests to the concerned institutions other than through the Attorney General's Office. There are no limitations as to Zimbabwe's ability to render assistance in cases involving legal persons.

Bank secrecy is not a ground for declining MLA and bank records may be provided upon request. Zimbabwe has also rendered assistance in cases related to offences involving fiscal matters. Although Section 6 of the MLA Act provides a discretionary ground for refusing MLA in the absence of dual criminality, it is not invoked in practice as Zimbabwean authorities would take into account the purpose of the Convention even where dual criminality is not established. In the event MLA were refused, the Attorney General would communicate the reasons therefor.

Section 9 of the MLA Act as read together with Sections 53 and 56 of the Serious Offences and Confiscation of Profits Act permit requesting countries to specify details of the procedure they wish to be followed by Zimbabwe in giving effect to a request.

Moreover, Section 11 of the MLA Act is a basis for allowing videoconferences in hearing witness or expert statements, though there has been no experience in this regard. In relation to the travel of witnesses and experts, Section 9(2)(g) of the MLA Act provides for the requesting State to bear the cost. Section 6(2)(f) provides that assistance may be refused if it would impose an excessive burden on the resources of Zimbabwe.

Section 6(2)(d) provides for discretionary refusal, rather than postponement, of a request on the grounds that it could prejudice a domestic investigation or criminal proceeding.

Subject to legal restrictions and security implications, Zimbabwe could provide documents not available to the general public.

Law enforcement cooperation; joint investigations; special investigative techniques (articles 48, 49, 50)

Law enforcement cooperation is based on informal arrangements and regional organizations, rather than through formal agreements or MOUs. The INTERPOL Regional Bureau for Southern Africa (located in Harare), coordinates INTERPOL and SARPCCO joint operations, training, meetings, workshops and conferences and provides general secretariat services for SARPCCO. The Zimbabwe Republic Police and ZACC are the main agencies that cooperate internationally. However, the FIU also cooperates with other FIUs abroad, including through MOUs and ESAAMLG.

Joint investigations can be conducted through informal arrangements on a case by case basis. No examples of joint investigations in corruption cases were given. Special investigative techniques proceed mainly through INTERPOL and other regional networks, although there has been little experience in corruption cases.

3.2. Successes and good practices

Overall, the following points are regarded as successes and good practices in the framework of implementing Chapter IV of the UNCAC:

- Zimbabwe's ability to consult with requesting States as a matter of practice and also request further information in order to execute MLA requests notwithstanding the absence of explicit provisions on this in their law.
- The timeframe within which Zimbabwe endeavours to execute MLA requests.

3.3. Challenges in implementation, where applicable

The following points could serve as a framework to strengthen and consolidate the actions taken by Zimbabwe to combat corruption:

- Zimbabwe should make the relevant notifications to the United Nations that it could in principle apply UNCAC as a legal basis for extradition, as well as the acceptable language for mutual legal assistance requests.
- Some prosecutorial powers or secondments of prosecutors to ZACC would enhance its ability to effectively combat corruption.
- Although bank secrecy is not a ground for declining MLA, Zimbabwe could consider a specific prohibition in the mutual legal assistance legislation or in a banking statute against bank secrecy as a ground for declining mutual legal assistance.
- Zimbabwe should consider, in the context of ongoing legislative amendments, explicitly addressing the admissibility of evidence derived from special investigative techniques in its existing legislation.

3.4. Technical assistance needs identified to improve implementation of the Convention

The following forms of technical assistance could assist Zimbabwe in more fully implementing the Convention:

- Article 46 and 47: Capacity-building programmes for authorities responsible for international cooperation in criminal matters and training of all stakeholders.
 - Article 48: Technological assistance (e.g. set-up and management of databases/information-sharing systems); on-site assistance by a relevant expert; and, capacity-building programmes for authorities responsible for cross-border law enforcement cooperation.
 - Article 49: Capacity-building programmes for authorities responsible for cross-border law enforcement cooperation.
 - Article 50: On-site assistance by a relevant expert, and capacity-building programmes for authorities responsible for designing and managing the use of special investigative techniques.
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