WONGORORO YEMASANGANO AKAZVIMIRIRIRA OGA

pamusoro penhanho dzakatorwa neZimbabwe pakuzadzikisa zvidiso zveChitsauko Chechipiri (Kudzivirira) Ne Chitsauko Chechishanu (Kudzoserwa kwehupfumi hwakabiwa) zviri mubumbiro rakatendegwana pasi rose rekurwisana nehuwori

reUNITED NATIONS CONVENTION AGAINST CORRUPTION

Gwaro rino ririkubva kuAnti-Corruption Trust of Southern Africa (ACT-SA)

KUTENDA

Chinyorwa ichi chirikuratidza basa guru renhengo dzeAnti Corruption Trust of Southern Africa (ACT-SA) dzinoona nezvetsvagurudzo dzenyaya dzehuori. vakatungamira mutsvagurudzo iyi vanosanganisira Chiremba Prosper Maguchu, VaObert Chinhamo, VaAlouis Munyaradzi Chaumba,VaMunyaradzi Bidi, Murevereri Gabriel Shumba naVaAllan Chaumba.

TinodakutendaVa Brenna Matendere, nekududzira gwaro rino muchishona kubva kumutauro weChirungu, nevavariro yekuti vanhu vazhinji vemuZimbabwe vakwanise kuriverenga.

Zvekare kune mamwe masangano akazvimirira akabatsirawo mutsvagurudzo iyi. Masangano aya anosanganisira Transparency International-Zimbabwe, Interfaith Council for Peace and Justice Trust, Kwekwe Vendors Association, Legal Resources Foundation, Zimbabwe Network for Social Justice, Zimbabwe Human Rights Association uye Zimbabwe Election and Advocacy Trust nemamwewo masangano.

Zvakarenhengodze Community Anti-Corruption Monitoring Voluntary Action Groups vakapawo pfungwa dzavo. Ava vanosanganisira nhengo dzinobva Kwekwe, Gokwe, Gweru, Mutare, Masvingo, Beitbridge, Chinhoyi ne Victoria Falls.

Nedonzvo rekupapfungwa dzedu kubumbiro rakatenderwana pasi rose rekurwisa huwori reUNCAC nezveongororo yeZimbabwe muchikamu chepiri, tsvagurudzo iyi yakanyorwa ne ACT-SA ichishandisa muenzaniso worugwaro rwakagadzirwa neUNCAC Coalition vakabatana neveTransparency International. Kudhindwa kwerugwaro urwu kwakatsigirwa ne UNCAC Coalition zvichiita nyore kubudikidza nemari yakabva kuNorwegian Agency for Development Cooperation (Norad) pamwe chete ne Ministry of Foreign Affairs yekuDenmark (Danida). Tsvagurudzo iri murugwaro urwu inoratidza pfungwadze ACT-SA kunyangwe hazvo zvisingamiririri tsinhidziro kana muonerapamwe kubva kune veUNCAC Coalition kana mamwe masangano akaparutsigiro rwokubudisa rugwaro urwu.

Pakaiswa pfungwa pamwe kuedza kubudisa zvakajeka mashoko arimurugwaro urwunemazvo. Mashoko ose arimo anotarisirwa kuti anga ari echokwadi chizere panguva yemuna Zvita 2020.

Chinyorwa kubva kuAnti-Corruption Trust of Southern Africa (ACT-SA)
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Vaongorori: Danella Newman naMathias Huter, veUNCAC Coalition

Anti-Corruption Trust of Southern Africa (ACT-SA) isangano rakazvimirira roga rinotungamira mukurwisana nehuori mudunhu rekumaodzanyemba kweAfrica richibatsirwane nevamiririri varo variku Botswana, Comoros, DRC, Tanzania, Namibia ne South Africa pamwe neshamwari dzezvemabhizimusi, uye masangano akazvimiririra oga emudzinharaunda. Sangano re ACT-SA rinobuditsa pachena nyaya dzehuori, kubudisa huipi hwehuori panyaya dzebudiriro uye zvekutsvaganzira dzokuderedza nekupedza huori. Pamusoro paizvozvo ACT-SA inoita zve tsvagurudzo panyaya dzinechekuita nehuori yobudisa humboo hwezvinogona kubatsira kana zvisingabatsiri mukurwisa huori. Sangano re ACT-SA rinozotungamira mamwe masangano akazvimirira kuita muonerapamwe, uye nekuita kurudziro yekurwisana nehuori mudunhu rekuMaodzanyemba kweAfrica.

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ZVIPERENGO ZVEMAZITA EMASANGANO

ACA	Anti-Corruption Agency
ACT-SA	Anti-Corruption Trust of Southern Africa
AML	Anti-Money Laundering
AFU	Assets Forfeiture Unit
ARIANSA	Asset Recovery Inter-Agency Network for Southern Africa
AU	African Union
AUCPCC	African Union Convention on Preventing and Combating Corruption
CFT	Combating the Financing of Terrorism
CSOs	Civil Society Organizations
CIO	Central Intelligence Office
ConCourt	Constitutional Court
DRC	Democratic Republic of Congo
FIU	Financial Intelligence Unit
FTLRP	Fast Track Land Reform Programme
INTERPOL	International Criminal Police Organization
ICJ	International Committee of Jurists
IRG	Implementation Review Group
JSC	Judicial Service Commission
ML	Money Laundering
NANGO	National Association of Non-Governmental Organisations
NECF	National Economic Consultative Forum
Nat Pharm	National Pharmaceutical Company
NPA	National Prosecuting Authority
NSSA	National Social Security Authority
OPC	Office of the President and Cabinet
PACU	Police Anti-Corruption Unit
PSC	Public Service Commission
PRAZ	Procurement Regulatory Authority of Zimbabwe
PG	Prosecutor General
PEPs	Politically Exposed Persons
PCCD	Police Commercial Crimes Division
RBZ	Reserve Bank of Zimbabwe
SACU	Special Anti-Corruption Unit
SADC	Southern African Development Community
SPAC	SADC Protocol against Corruption
SALC	Southern Africa Litigation Centre
TAB	Training Advisory Board
TF	Terrorist Financing
TI-Z	Transparency International- Zimbabwe
UN	United Nations
UNCAC	United Nations Convention against Corruption
UNODC	United Nations Office on Drugs and Crime
VIP	Very Important Person
ZACC	Zimbabwe Anti-Corruption Commission
ZIFA	Zimbabwe Football Association
ZIMDEF	Zimbabwe Manpower Development Fund
ZIMLII	Zimbabwe Legal Information Institute
ZIMRA	Zimbabwe Revenue Authority
ZRP	Zimbabwe Republic Police

MAZITA EVANHUVAKABVUNZURUDZWA

Chirevo	Zita	Mutupo	Sangano
1	Alan	Chaumba	Academic researcher
2	Muchaneta	Mundopa	Transparency International- Zimbabwe
3	Jackie	Ngulube	Interfaith Council for Peace and Justice Trust
4	Bernard	Kafesu	Legal Resources Foundation
5	Munyaradzi	Bidi	Anti-Corruption Trust of Southern Africa
6	Gabriel	Shumba	Anti-Corruption Trust of Southern Africa
7	Alouis	Chaumba	Anti-Corruption Trust of Southern Africa
8	Antony	Chihiya	Makonese, Chambati&Mataka Legal Practitioners
9	Tuesday	Moyo	Zimbabwe Human Rights Association
10	Tendai	Mbofana	Zimbabwe Network for Social Justice
11	Jabulisa	Tshuma	Zimbabwe Human Rights Association
12	Ignatius	Sadziwa	Zimbabwe Election Advocacy Trust
13	Vincent	Ruzvezve	Academic researcher
14	Tonderai	Marindire	Jekeso Newspaper
15	Alfred	Mnkandla	Kwekwe Business Association of the Small to Medium Enterprises
16	Eric	Msesengwe	Kwekwe Publicity Association
17	Michael	Hanyani	Kwekwe Business Association of the Small to Medium Enterprises

Tinokuzivisai kuti mapato ehurumende Havana kupindura mibvunzo nekupa pfungwadzavo mu gwarorino.

I. MAVAMBO

Zimbabwe yakasayina chitenderano chebumbiro rekurwisana nohuwori pasi rose cheUnited Nations Convention against Corruption (UNCAC) musiwa 20 February 2004. Vakazonyorerana zviri pamutemo kubvuma kuvapasi pezvisungo zvebumbiro iri musiwa 8 March 2007. Rugwaro urwu runobuditsa zvakaitwa ne Zimbabwe kuzadzikisa chikamu chepiri (Kudzivirira huwori) uye chikamu cheshanu (Kudzosa hupfumi hwakabiwa) che UNCAC.

Gwaro iri rinowedzera tsvagurudzo yeUNCAC inobatazvikamu izvi. Zimbabwe yakasarudzwa neUNCAC Implementation Review Group (IRG) kuti izoongororwa mudanho rechikamu chepiri mugore rokutanga retsvakurudzo idzi. Mugore ra 2019 nhumwa tanhatu dzakabvaku United Nations, Angola ne Cerpe Verde kuzoongorora nhanho dzatorwa ne Zimbabwe mukuedza kuzadzikisa chikamu chepiri necheshanu cheUNCAC. Kubvaipapo kunyangwe hazvo gwaro renyika yose rakapedziswa, pfupiso yoga ndiyo yakango jekeswa papeji redandemutande re UNODC.[1]

Chiyero

Zvinyorwa nemusoro yenyaya zveUNCAC zvakakurukurwa nezvazvo mugwaro pasi pe chikamu chepiri ndezvizvi :

- Chisungo Chechishanu: Mitemo nemadzivirirwo ehuwori
- Chisungo Chechitanhatu: Masangano anodzivirira huwori
- Chisungo Chechinomwe: Chikamu chevanoshanda mubazI reveruzhinji
- Chisungo Chechinomwe nenhatu: Mari inofambisa mabasa ezvematongerwe enyika Chisungo Chechinomwe, Chesere, neChegumi nembiri: Mirau yekuzvibatanayo kwemakurukota, Mhinganidzo dzebasa, kushambadza hupfumi
- Chisungo Chesere nena ,neChisungo chegumi nenhatu :Nzira dzekumhangara mhosva uye kuchengetedzwa kwenharirire dzinofumura nyaya dzehuwori
- Chisungo Chepfumbamwe: Kuchengetedza mari yeveruzhinji
- Chisungo Chegumi neChisungo Chegumi nenhatu: Kuwanikwa kwemashoko neRupandi rweveruzhinji
- Chisungo Chegumi nerimwe: Makurukota ezvematare edzimhosva nebasa rehuchuchisi
- Chisungo Chegumi nembiri: Kuvimbika kwemasangano akazvimiririra
- Chisungo Chegumi nenhatu: Nzira dzekudzivirira kubiwa kwemari ichiyendeswa kunze kwenyika

Gwaro rino rinobata zvakare nyaya dziri muchikamu chechishanu cheUNCAC, dzinosanganisira:

- Chisungo Chemakumi mashanu neChisungo Chemakumi mashanu nesere: Kudzivirirwa kwekubiwa kwemari ichiyendeswa kunze kwenyika
- Chisungo Chemakumi mashanu nenhatu ne Chisungo Chemakumi mashanu nenhanhatu: Nziradzekudzosa hupfumi hwakabiwa
- Chisungo Chemakumi mashanu nena: Nzira dzekudzora nadzo hupfumi hwakabiwa

[1] Implementation Review Group (2020), 'State of implementation of the United Nations Convention against Corruption', available at https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/Implementation ReviewGroup/8-10June2020/V2002129e.pdf [accessed on 20 December 2020].

- Chisungo Chemakumi mashanu nerimwe, makumi Mashanu nena, Makumi mashanu neshanu, Makumi mashanu nenhanhatu uye Chisungo Chemakumi mashanu nepfumbamwe: kubatana kwenyikadzepasi pose nechinangwa chekutora hupfumi hwakabiwa, uye
- Chisungo Chemakumi mashanu nenomwe: Kudzosa nekugovera hupfumi hwakabiwa

Maumbirwo

Chinyorwa ichi chinotanga nepfupiso, zvakawanikwa mutsvagurudzo, mhedziso nezvinotarisirwa maererano neongororo yakaitwa, kuvepo kwemashoko uye kuzadzikisa nekutsisimbisa zvinyorwazve UNCAC zvakasarudzwa. Chikamu chinotevera chinoratidza zvakabuda mutsvagurudzo yakaitwa mu Zimbabwe pamwe chete nekufambiswa kwemashoko zvineudzamu.

Zvakadaro kuzadzikiswa kwechisungo kwaongororwa, muenzaniso yazvakagonekwa nezvisina yakabudiswa. Zvirongwa zvose zvenguva yabvakupfuura zvakurukurwa uye tarisiro yezvinofanira kuitwa kuvandudza UNCAC.

Nzira dzakashandiswa mutsvakurudzo

Chinyorwa ichi chakagadzirwa ne Anti Corruption Trust (ACT-SA) pamwe nerutsigiro rwe UNCAC Coalition. ACT-SA yakazama kutsvaga mashoko echinyorwa ichi kubva kune masangano akazvimirira oga, munharaunda, nemapazi ehurumende anosanganisira Zimbabwe Anti Corruption Commission, National Prosecuting Authority, Financial Intelligence Unit, Office of the President and Cabinet, Ministry of Justice, Legal and Parliamentary Affairs,Ministry of Home Affairs uye Zimbabwe Revenue Authority. Senhanho yekuwana mashoko azere, chinyorwa ichi chakaendeswa kumahofisi akasiyana siyana asi hapana kuzobuda mhinduro kubva kune mamwe mahofisi ehurumende. Zvakare denda re Covid 19 rakatadzisa kuti vanhu vaungane vachipa miono yavo pajekerere.

Chinyorwa ichi chakagadzirwa pachishandiswa muenzaniso wakaitwa neUNCAC Coalition neveTransparency International. Muenzaniso wechinyorwa uyu unosanganisira mibvunzo maererano neongororo yakaitwa uyezve pachikamu chekuzadzikiswa kuvhunza muenzaniso yakanaka nezvikamu zvinoda kugadziriswa muChitsauko Chepiri nezviri muChitsauko Chechishanu mugwaro re UNCAC. Mukugadzira chinyorwa ichi vanyori vakashandisa ongororo ye UNCAC ku Zimbabwe vachishandisa pfupiso iri padandemutande ye UNODC sezvo chinyorwa chizere chakaitwa nehurumende chisina kuiswa pachena.[2]

[2] Ibid.

II. PFUPISO

Zimbabwe yakaedza chose kutevedzerakuzadzikisa Chitsauko Chepiri neChitsauko nChechishanu cheUnited Nations Convention against Corruption (UNCAC) ichochayakasaina musiwa 20 Kukadzi 2004 nekuzotsigira kubvuma kuvapasi pezvimiso zvechibvumirano ichi musiwa 8 Kurume 2007.

Kushayahanya kwemakurukota ezvematongerwe enyika nokushaiwa zvokushandisa zvakakwana kwakadzosa shure kudzivirira huori uye zvinokanganisa mabasa ekudzoserwa kwehupfumi hwakabiwa. Nhanho dzatorwa pakudzivirira huwori dzinoratidza kuti hadzina kukwana uye hadzigutsi. Izvi zvinotsigirwa nekuwanda kwenyaya dzinechekuita nehuori uye kushomeka kwevanosungwa. Sangano rinoona nezvekutongwa kwevanhu vanoparamhosva re National Prosecuting Authority riri kupiwa mhosva yekusaitabasa nemazvo uye kupindira kweve zvematongerwe enyika zvinozokonzera kuti vakapara mhosva varegwe kutongwa kana kuti nyaya dzavo dzitore nguva yakareba pasina chaitwa.

Zvichakadaro hurumende ye Zimbabwe haisati yaratidza hanya nechokwadi chokusimbisa mitemo yekurwisa huori nekupamutongo kune vanonga vapara mhosva. Kushaiwahanya uku kunogona kuchikonzerwa nokuda kwokuti vakuru vehurumende vane chitsama vane nyaya dzehuori dzavarikupomerwa zvinoita kuti vatungamiri vakawanda varege kushora huori pachena. Hurumende ye Zimbabwe haisi kuita zvainotaura panyaya dzehuori nokuti mitemo iripo yacho haisikuwana anotsigira sezvo vakuru vachitadza kubatwa nemhosva.

Zvimwe zvaitwa mukurwisa huori: Zvimwe zvacho zvinosanganisira kuwumbwa kwemitemo inoti:

- Constitution of Zimbabwe Amendment (No. 20) Act, 2013,[3]
- Public Procurement and Disposal of Public Assets Act,[4]
- Money Laundering and Proceeds of Crime Act, as amended,[5]
- Public Entities Corporate Governance Act [Chapter 10:31];[6]
- Anti-Corruption Commission Act [Chapter 9:22], [7]
- Public Finance Management Act [Chapter 22:19],[8]
- Audit Office Act [Chapter 22:18],[9]
- Public Service Act [Chapter 16:04],[10]
- Civil Matters (Mutual Assistance) Act;[11] ne
- Criminal Matters (Mutual Assistance) Act [Chapter 9:06].[12]

Masangano anowona nezvekudzivirira huwori nekudzoswa kwehupfumi hwakabiwa kubva kunze kwenyika ndeanoti:

- Zimbabwe Anti-Corruption Commission,
- Office of the President and Cabinet,

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3 See https://zimlii.org/zw/legislation/act/2013/amendment-no-20-constitution-zimbabwe.
4 See https://zimlii.org/zw/legislation/act/2017/5.
5 See https://zimlii.org/zw/legislation/act/2013/4.
6 See http://www.veritaszim.net/sites/veritas_d/files/PUBLIC%20ENTITIES%20CORPORATE%20GOVERNANCE%20ACT_0.pdf.
7 See http://www.veritaszim.net/node/105.
8 See https://zimlii.org/zw/legislation/consolidated-act/chapter-2219.
9 See http://www.veritaszim.net/node/160.
10 See https://zimlii.org/zw/legislation/act/1995/21.
11 See https://www.jsc.org.zw/jscbackend/upload/Acts/2001/0802updated.pdf.
12 See https://www.jsc.org.zw/jscbackend/upload/Acts/2014/0906updated.pdf.

- Public Service Commission,
- Office of the Auditor General,
- Corporate Governance Unit in the Office of the President and Cabinet,
- Procurement Regulatory Authority of Zimbabwe,[13]
- Financial Intelligence Unit,[14]
- National Prosecuting Authority,[15]
- Zimbabwe Republic Police,[16] ne
- Zimbabwe Revenue Authority.[17]

Kunyangwe pakaiswa mitemo yose iyi hazvina kukwana sezvomhosva dzine chekuita nehuori dzichiri dzakawandisa. Dzimwe dzemhosva dzakabva kumhangarwa kubva muna2018 kusvika 2020 ndedzinotevera:

- Muna July 2019 Prisca Mupfumira, gurukota rehurumende rinoona nezvevashandi, vakasungwa nokuda kwemari inoiita mamirioni makumi mapfumbamwe neshanu (US$95 million) ye vashandi varipamudyandigere. Vakavagurukota rekutanga reZimbabwe African National Union Patriotic Front (Zanu PF) kusungwa nehurumende yaVa Emmerson Mnangagwa. Mai Mupfumira vakapedza mwedzi miviri varimujeri mavaibatwa zvakanaka zvakasiyana nevamwe vasungwa.[18]Panguva yabuda chinyorwa chino nyaya yavo haisati yapera kumatare edzimhosva.[19]
- MunaChikumi 2020 vaimbova gurukota rezveutano VaObadiah Moyo vakasungwa vakapomerwa mhosva yekushandisa masimba avo zvisizvo pavakagovera basa re Covid 19 raiva remadhora ekuAmerica mamiriyoni makumi matanhatu. Zvinonzi VaMoyo vakapa kambani basa rezve Covid 19 vakakwidza mitengo vasina kubvumirana ne Procurement Regulatory Authority of Zimbabwe (PRAZ).[20]

Munguva zhinji vakuru vehurumende havasungwi kana vapara mhosva, kana vasungwa nyaya dzavo dzinotora nguva yakareba kuti dzigopera. Vemasangano akazvimirira oga uye vatori venhau vanobuditsa nyaya idzi vanoshungurudzwa kana kusungwa. Nyaya ya Hopewell Chin'ono ndeumwe muenzaniso.

Vanotungamira mukurwisa huori vanoita dambudziko rekupihwa chiokomuhonwe zvinozokanganisa kuferefetwa kwenyaya dzinechekuita nehuori. Somuenzaniso musiwa 17 Chikumi 2020 Zimbabwe Anti Corruption Commission (ZACC) yakataura nezvekusungwa nekumira pamberi pedare redzimhosva kwemuchuchisi wedzimhosva nevanhu vane zvinzvimbo zvepamusoroku Police Commercial Crimes Division (CCD) vapari vemhosva ava vakakapiwa mutongo mushure mokunge kwasungwa vashandi veKanzuru yeHarare nemhosva yehuori mapurisa akazogamuchira chiokomuhomwe kubva kuvanhu vavaibvunza nezve mhosva yaiva yaparwa.

[13] See http://www.praz.gov.zw/index.php?lang=en.
[14] See https://www.fiu.co.zw/.
[15] See https://zimlii.org/zw/legislation/act/2014/4.
[16] See http://www.zrp.gov.zw/.
[17] See https://www.zimra.co.zw/.
[18]Ndoro, T. (2019), 'Prisca Mupfumira sitting pretty & receiving special treatment at Chikurubi? – ZACC denied entry to investigate' available at https://iharare.com/zacc-denied-entry-to-investigate-mupfumira-prison/ [accessed on 3 February 2021].
[19]Madzianike, N. (2020), 'Updated: Mupfumira case to continue 'at all costs'' available at https://www.herald.co.zw/just-in-mupfumira-trial-fails-to-kick-off/ [accessed on 20 December 2020].
[20] BBC (2020), 'Coronavirus: Zimbabwe health minister in court on corruption charges' available at https://www.bbc.com/news/world-africa-53119989 [accessed on 20 December 2020].

Kutadza kuderedza huori kurikuratidza kushaiwa zvokushandisa, kushaiwa simba kwevachuchisi, kupindira munezvematongerwe enyika kwevanoongorora nyaya kana vakuru vehurumende vasungwa, zvose izvi zvinoratidza kuti panoda kupindira nekuvandudzwa mitemo kuti pave neshanduko yakawanda.

a) Tsanangudzo yekugadzirwa kwe chinyorwa ichi:

Chinyorwa ichi chakagadzirwa nerutsigiro rushomane kubva kumapazi ehurumende avo vasina kupa mhinduro kune mimwe mibvunzo yaida tsanangudzo. Zvichakadaro masangano akazvimiririra oga akatsigira chaizvo chirongwa ichi. Mamwe mashoko anoratidza kushanda kwakaita hurumende nemasangano akazvimirira oga murugwaro rwe UNCAC kwakaiswa muchikamu chechitatu cherugwaro urwu.

b) Kuwanikwa kwemashoko

Mashoko aidiwa kunyanya kubva kumapazi ehurumende haana kuwanikwa.Chinyorwa cheongororo yehurumende hachina kubudiswa pachena kusiya kwepfupiso yakaiswa padandemutande ye UNODC.[21] Mukuunganidza Chinyorwa ichi ACT SA yakakumbira bazi rehurumende re Zimbabwe Anti Corruption Commission kuti chibudise Chinyorwa chizere maererano nenhanho dzatorwa nenyika kuzadzikisa chikamu chepiri necheshanu che UNCAC asi havana kupa mhinduro zvakazoita kuti mashoko anobva kuhurumende ave mashoma mugwaro rino.

c) Kuzadzikiswa kwemutemo nekushanda kwesimba rawo

Hwaro hwekudzivirira huori nemitemo iri maererano nekudzoswa kwehupfumi hwakabiwa hunosanganisira bumbiro remutemo rakapamidzirwa pachinhanho makumimaviri (Constitution of Zimbabwe), ve Zimbabwe Anti Corruption Commission, mutemo unoruramisa kufambiswa zvakanaka kwemari dzeveruzhinji (Public Finance Management Act), mutemo urimaererano nevashandi vebazi reveruzhinji (Public Service Act), mutemo ununongedza nzira dzokutenga nokugoverwa kwembatya dzeveruzhinji (Public Procurement and Disposal of Public Assets Act), mutemo wakavandudza urimaererano nokudzivirira kupidigurwa nokubiwa kwemari netuso razvo (Money Laundering and Proceeds of Crime Act), mutemo urimaererano nokufambiswa zvakanaka kwemakambani ehurumende (Public Entities Corporate Governance Act) uye mutemo uri maererano nokukoverana zivo pamusoro pekuparwa kwemhosva (Criminal Matters (Mutual Assistance) Act).

Vakuru vakatsanangurika pakurwiswa kwehuori nebasa rekudzoswa kwehupfumi hwakabiwa vanosanganisira veZimbabwe Anti Corruption Commission, hofisi yemutungamiri wenyika nemakurukota ake (Office of the President and Cabinet, bazi rinonongedza nzira dzakanaka pakutengwa kwemidziyo yeveruzhinji(Procurement Regulatory Authority of Zimbabwe), komisheni inomiririra zvidiso zvevashandi vehurumende (Public Service Commission), hofisi yemushori mukuru wemari yehurumende (Office of the Auditor General), bazi rinopepeta kufamba kwedzimari (Financial Intelligence Unit), hofisi huru yavachuchisi vedzimhosva (National Prosecuting Authority), bazi romuteresi (Zimbabwe Revenue Authority) uye mapurisa eZimbabwe Republic Police.

Zvichakadaro basa rokurwisa huori richiripo nokuda kwekuwanda kwemhosva dzirikuparwa munyika dzinosanganisira huori hwevanerutivi munezvematongerwe enyika. Kutadza kuderedza huori kunoratidza kushaikwa kwezvokushandisa, uye kushaiwa simba kwevachuchisi, uye kupindira kwezvematongerwe enyika mukuferefetwa kwenyaya kana

[21] See Implementation Review Group (2020), 'State of implementation of the United Nations Convention against Corruption' available at https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/8-10June2020/V2002129e.pdf [accessed on 20 December 2020].

paine vakuru vanobatwa nemhosva. Nokudakwaizvozvo, zvakakosha kuvandudza mitemo yagarairipo uye kusimudzira nekusimbisa mahofisi anebasa rekurwisana nehuori.

Mupata Wekutanga: Pfupikiso yekuzadzikiswa kwezvirangano – Chitsauko Chechipiri

Zvisungo zveUNCAC	**Mamiriro aita kuzadzikiswa kwemutemo**	**Pasvika nyaya yacho**
Chisungo 5 – Nzira dzekudzivirira huwori	Zvishoma zvakaitwa	Pakati nepakati
Chisungo 6 – Bazi kana mapazi ekudzivirira huwori	Zvishoma zvakaitwa	Pakati nepakati
Chisungo 7.1 – Mabasa evanhu varimubazi reveruzhinji	Zvakawanda zvakaitwa	Pakati nepakati
Chisungo 7.3 – Mari inofambisa mabasa ezvematongerwe enyika	Zvakawanda zvakaitwa	Pakati nepakati
Chisungo 7, 8 and 12 – Mirau yekuzvibatanayo kwemakurukota, Mhinganidzo dzebasa, uye kushambadzwa hupfumi hwemunhu	Zvishoma zvakaitwa	Pakati nepakati
Chisungo 8.4 ne 13.2 – Nzira dzekumhangara mhosva nekuchengetedzwa kweharirire dzinofumura nyaya dzehuwori	Zvishoma zvakaitwa	Pakatadzwa[22]
Chisungo 9.1 – Kuwanikwa nekutengwa kwe zvinhu zvinoshandiswa neveruzhinji	Zvakawanda zvakaitwa	Pakati nepakati
Chisungo 9.2 – Kuchengetedzwa kwemari yeveruzhinji	Zvishoma zvakaitwa	Pakati nepakati
Chisungo 10 ne 13.1 – Kuwanikwa kwe mashoko neRupandi rweveruzhinji	Zvakawanda zvakaitwa	Pakatadzwa
Chisungo11 – Makurukota ezvematare edzimhosva nebasa rehuchuchisi	Zvakawanda zvakaitwa	Pakati nepakati
Chisungo 12 – Kuvimbika mumasangano akazvimiririra oga	Zvishoma zvakaitwa	Pakatadzwa
Chisungo 14 – Nzira dzekudzivirira kubiwa kwemari ichiyendeswa kunze kwenyika	Zvakawanda zvakaitwa	Pakati nepakati

Mupata wepiri: - Chitsauko chechishanu Pfupikiso yekuzadzikiswa kwezvirangano

Zvisungo zveUNCAC	**Mamiriro aita kuzadzikiswa kwemutemo**	**Pasvika nyaya yacho**
Chisungo 52 ne 58 – Kudzivirira kubiwa kwemari ichiendeswa kunze kwenyika	Zvakawanda zvakaitwa	Pakati nepakati
Chisungo 53 ne 56 – Nzira dzekudzosa mari yakabiwa	Zvaida kuitwa zvose zvakazadzikiswa	Pakati nepakati
Chisungo 54 – Nzira dzekudzora nadzo hupfumi hwakabiwa	Zvishoma zvakaitwa	Pakati nepakati
Zvisungo 51, 54, 55, 56 ne 59 Kubatana kwenyika dzepasi rose mukutora zvakabiwa	Zvaida kuitwa zvose zvakazadzikiswa	Pakati nepakati

[22] The ZACC has recently launched a whistleblower application to assist in the reporting of corruption cases. However, its effectiveness is hampered by the lack of institutional trust and whistleblower legislation.

Chisungo 57 – Kudzosa nekugovera mbatya dzakabiwa	Zvishoma zvakaitwa	Pakatadzwa

Mupata wetatu: Mashadiro emapazi anechitsama akawongororwa – Chitsauko Chechipiri

Zita Rebasi	Chikero chemashandiro ebazi zvichienderana nechipimo chirimuminongedzo yezvisungo zvakawongororwa	Maskoko ekurudziro
Bazi re Zimbabwe Anti-Corruption Commission	Pakati nepakati	Humhare huripo asi zvishandiso pabasa zvishoma
Bazi rehofisi yemutungamiri wenyika ne makurukota ehurumende	Pakati nepakati	Humhare huripo asi zvishandiso pabasa zvishoma
Komisheni inomiririra zvidiso zvevashandi vehurumende (Public Service Commission) Public Service Commission	Pakati nepakati	Humhare huripo asi zvishandiso pabasa zvishoma
Hofisi yemushori mukuru wemari yehurumende (Office of the Auditor General)	Pakati nepakati	Humhare huripo asi zvishandiso pabasa zvishoma
Bazi rinowona nezvekufambiswa kwebasa mu hofisi yemutungamiri wenyika (Corporate Governance Unit in the Office of the President and Cabinet)	Pakati nepakati	Humhare huripo asi zvishandiso pabasa zvishoma
Bazi rinonongedza nzira dzakanaka pakutengwa kwemidziyo yeveruzhinji (Procurement Regulatory Authority)	Pakati nepakati	Humhare huripo asi zvishandiso pabasa zvishoma

Mupata wechina: Mashadiro emapazi anechitsama akawongororwa – Chitsauko Chechishanu

Zita rebazi	Chikero chemashandiro ebazi iri zvichienderana nechipimo chirimuminongedzo yezvisungo zvakawongororwa	Muwono muchidimbu pamashandiro ebazi iri (pachitariswa zvikwanisiro, unyanzvi, kana kuzvimiririra)
Bazi rinowona nezvemari re Financial Intelligence Unit	Pakati nepakati	Humhare huripo asi zvishandiso pabasa zvishoma

Bazi re Zimbabwe Anti-Corruption Commission	Pakati nepakati	Humhare huripo asi zvishandiso pabasa zvishoma
Hofisi huru yavachuchisi vedzimhosva (National Prosecuting Authority)	Pakati nepakati	Humhare huripo asi zvishandiso pabasa zvishoma
Bazi remapurisa reZimbabwe Republic Police	Pakati nepakati	Humhare huripo asi zvishandiso pabasa zvishoma
Bazi romuteresi (reZimbabwe Revenue Authority)	Pakati nepakati	Humhare huripo asi zvishandiso pabasa zvishoma

Mapazi anotarisirwa kurwisa huori akaumbwa asi dambudziko nderokuti vakapihwa masimba ekudzivirira huori nekutarisa basa rekudzoswa kwehupfumi hwakabiwa kuhurumende havana simba rakakwana rokuita basa nemazvo. Somuenzaniso sangano re Zimbabwe Anti Corruption Commission harinamidzi kunzvimbo dzose dziri munyika nokuda kwokushaiwa zvikwanisiro nezvokushandisa zvakakwana.

Kushaikwa kwezvokushandisa nemapazi akasiyana siyana ndicho chikonzero chinoita kuti vazotadza kuita basa nemazvo. Somuenzaniso panyaya yevaimbova mukuru kuZimbabwe Revenue Authority (ZIMRA) Commissioner General Gershem Pasi apo mutongi wemhosva wemuHarare wedare raMudzviti (Magistrate) akatendera chikumbiro chokuti nyaya isapfuudzirwa mberi nerimandi sezvo dare rakatadza kupa zuva remutongo uye nyaya yacho yaiva isina kuferefetwa zvakwana. Vachuchisi vaifanira kunoferefeta nyaya iyi kunyika yeChina havana kuendako kwemwedzi makumi maviri nemaviri kubva pakasungwa VaPasi.[23]

d) Mazano akakosha ezvingaitwe mukufambiswa kwebasa rekurwisa huwori

Zvinotevera ndozvingaitwe kuti shuviro yekuzadzikisa zvidiso zveUNCAC ibudirire muZimbabwe. Zvizere zvinowanikwa mu zvitsauko zveChipiri ne Shanu Zve UNCAC uyezve Chistauko Chechichashanu chegwaro rino.

Tinokurudzira kuti Zimbabwe iyite zvinotevera:

1. Kusimbisa hukama nekudyidzana nemasangano akazvimiririra oga, venhau vanoshanda vasiri pasi pehurumende, nemamwe masangano pahwaro hwekuwongorora nhanho dzekuzadzikisa zvisungo zveUNCAC. Masangano aya ngaagamuchirwe ne hurumende uye apihwe mukana wekupa mawonero awo munyaya dzose dzine chekuita nekurwisa huwori.

2. Kugadza nekushandisa mutemo wekukoverwa kweruzivo zvinoenderana nemuenzaniso wakanaka unokurudzirwa mupasi rose, kusanganisira kuumbwa kwebazi rakazvimiririra senge raInformation Commissioner kuti vatarise kuzadzikiswa kwemutemo iwoyo;

[23] Madzianike, N. (2020), 'Just in: Court declares Pasi free man', a**vailable at** https://www.herald.co.zw/just-in-ex-zimra-commissioner-general-pasi-granted-application-for-refusal-of-further-remand/ [accessed on 27 November 2020].

3. Kuwedzera hunyanzvi nemari pamwe nevashandi kumasangano anorwisa huwori seZimbabwe Anti-Corruption Commission (ZACC) neFinancial Intelligence Unit (FIU) kutiv aite zvavanotarisirwa kuita nenzira inoshanda, uye vasingatori divi pabasaravo.

4. Kushanda basa rekupedza zviitiko zvekusarangwa kwevanhu vanoita huwori, kunyanya zviitiko zvehuori zvinosanganisira vanhu vanodyidzana nevematongerwo enyika

III. CHIREVO CHENZIRA DZAKASHANDISWA MUWONGORORO YENYIKA YEZIMBABWE

Gwaro rehurumende rekuzviongorora rakanyorwa pasina huchapupu hune hupamhi kubva kumasangano akazvimiririra oga (CSOs). Semuenzaniso, ACT-SA yakazoziva nezvemusangano wekutaurirana nezvechirongwa chekuongorora zvinhu izvi kuburikidza nesangano risinei nenyaya dzinechekuita nehuori. Pamusoropezvo, tsamba yekukokwa kubva kuNational Economic Consultative Forum (NECF) yomusi wa9 Chivabvu 2019 inosimbisa kuti masangano akazvimiririra oga nemachechi vakangopihwa awa rimwechete, kubva nguva dza13:45 kusvika na14:45 musiweChitatu, 15 Chivabvu 2019, kuti vape pfungwa dzavo muchirongwa ichi. Naizvozvo, pamusoro pekutsveyama kwekusarudzwa kwemasangano akazvimiririra oga, nguva yaakapihwa yanga isingakwani.

a) Gwaro rewongororo yakaitwa

Mupata WeChishanu uri pasi unoparuzivo rwekujeka, kushanyirwa kwenyika uye rupandi rwakatorwa nevemasangano akazvimiririra oga muwongororo ye UNCAC muZimbabwe

Mupata WeChishanu: Kujeka kwehurumende nepandi rwakatorwa ne vemasangano akazvimiririra oga mu wongongororo ye UNCAC

Hurumende yakapa ruzivo here rwemunhu anova mumiririri wenyika mubasa rewongororo yakanangana neUNCAC?	hongu	Ruzivo urwu rwakapiwa apo ACT-SA yakabvunza ZACC.
Pane pakaburitsva wongororo iyi here/ ko hurongwa hwayo hwaziviswa here?	hongu	Hurongwa hwakaziviswa masangano mashoma shoma. Semuyenzaniso, ACT-SA yakatozoziva yaudzwa nesangano reNANGO, iyo yangayaziviswawo ne National Economic Consultative Forum yaitungamira yakabatana ne ZACC.
Vemasangano akazvimirira oga akapihwa mukana wekupa pfungwa dzawo here paigadzirirwa wongororo iyi?	hongu	Masangano acho ndeanoti: - NANGO - TI-Z Mamwe masangano haana kuziviswa, asi vaifanira kuziviswa.
Zvaitariswa muwongororo iyi zvakashambadzwa here pamasai sai kana kupihwa masangano akazvimirira oga?	Hazvina kushambadzwa asi masangano akazvimirira oga akapihwa ruzivo rwacho	Zvakashambadzwa neNANGO yaudzwa ne National Economic Consultative Forum iyo isina kunangisa ruzivo rwacho kumasangano akazvimirira oga.
Hurumende yakatendera kuti nyika ishanyirwe here?	hongu	Kushanyirwa kwakaitwa Zimbawe nechikwata che wongororo ye UNCAC kubva kuCabo Verde uye nenyika ye Angola kwakaitika muna Chivabvu kubva musi wa 13 kusvika 16 mugore ra2019.
Nyika yakashanyirwa here?	hongu	Zvakafanana nezviri pamusoro apo.

Vemasangano akazvimirira oga vakakokwa here kuti vazopa pfungwa dzavo ku vavawongorori?	hongu	Vakakokwa ndeava: - NANGO - TI-Z
Vemasangano asiri pasi pehurumende vakakokwawo here kuzopa pfungwa dzavo kuvawongorori?	hongu	Zvakaitwa kuburikidza neveNational Economic Consultative Forum.
Hurumende yatsidza here kuburitsa gwaro revawongorori rizere rinoburitsa zvakawonekwa munyika?	Hazvizivikamwi	Gwaro rizere harana kuburitswa pachena kunze kwe pfupiso.

b) Kuwanikwa kweruzivo

Kuwanikwa kweruzivo ikodzero yezvizvarwa zvenyika uye izvi zvinowanikwa pachikamu chemakumi matanhatu nembiri mubimbiro remutemo reZimbabwe (Section 62 of the Constitution of Zimbabwe). Naizvozvo, zvizvarwa, chero mugari wemunyika, kusanganisira masangano aripamutemo nevezvenhau vane kodzero yekuwana cheroruzivo rwakachengetwa nehurumende kana necherosangano kana bazirehurumende pamatanhoose. Zvisinei, dzimwe ndudzi dzezivo hadziwanikwi pachena neruzhinji kuburikidza nepadandemutande nedzimwe nzvimbo. Ruzivo rwurimaererano nemitemo inodudzira nzira dzekuzadzikiswa kwezvisungo rwunowanikwa pachena kubudikidza nedandemutande reParamende yeZimbabwe[24] uye nemasangano akazvimiririra akaita seZimbabwe Legal Information Institute[25] neVeritas.[26] Nekudakweizvi, ruzivo rwemutemo, mutemo uyehurongwa hwemasangano hwaiwanikwa zvirinyore, uye nekudaro zvaivenyore kune vanyori venhoroondo iyi kuwana ruzivo urwu.

Zvakadaro, gwaro rewongororo reZimbabwe nezvekuzadzikiswa kweChitsauko Chechipiri nechechiShanu cheUNCAC harinakuziviswa. Kunyangwe pakatsanzirwa kutaura neZACC, gwaro iri harinakuwanikwa.

Kuti vawane ruzivo, vanyori vaivimba nezvimwe zvekushandisa senge masangano akazvimiririra nenhepfenyuro, kungodoma mashoma. Ruzivo chete rwaivepo yaive pfupiso yehurumende uye mazita enyanzvi dzehurumende, asi kudomwa kwemazita evanhu vakabvunzurudzwa anga asingaenderani nenguva. Dzimwe dzenyanzvi dzakanyorwa padandemutande reUNODC dzakafa, vakadai semushakabvu ayimbova sachigarowe Anti-Corruption Commission.

Ruzivo pazviitiko rwainetsakuwana sezvo isiritsika yehurumende kushambadza mishumoyenyaya kana zvimwe zviitiko zvinechekuita nekuunganidzwa kweshumoiyi. Hurumende yaivaisingade kuparuzivo urwu. Ruzivo panyaya dzekuparwa kwemhoswa rwunongowanikwa chete kana dzapera kumatare edzimhosva. Kana izvizvaitika, mitongo kana mitongo yematare inowanikwa pamadandemutande eJudicial Service Commission (JSC)[27], uyeneZimbabwe Legal Information Institute (ZIMLII).[28]

[24] See https://www.parlzim.gov.zw/acts.
[25] See https://zimlii.org/zw/legislation/numbered-act.
[26] See https://www.veritaszim.net/acts.
[27] See https://www.jsc.org.zw/judge.
[28] See https://zimlii.org/content/judgments.

IV. KUWONGORORWA KWE NHANHO DZAKATORWA MUKUZADZIKISA ZVISUNGO ZVIRI MUCHITSAUKO CHECHIPIRI (CHAPTER II) NECHECHISHANU (CHAPTER V)

Chirevo ichi chinotsanangura pasvika Zimbabwe mukuzadzikisa Chitsauko Chepiri Neshanu che UNCAC mushure mekusaina chibvumirano chacho musi wa 20 Kukadzi nemusi wa8 Kurume mugore ra2007. Mukutsvagaizvi, zvikamu zviripazasi zvinoparondedzero yemitemo yakakodzera, nzvero, marongerwo nemaitiro nenhanho dzirikutevedzerwa, uyemasangano anocherechedza, kuwongorora nekuwona nezvekuteedzerwa kwazvo.

1. Chitsauko Chepiri: Nzira dzekudzivirira

Chitsauko Chepiri cheUNCAC chinosanganisira zvisungokubva kunecheChishanu kusvika kugumi nena, izvo zvinofano dudzira matanho uyenzira dzekudzivirira uyekurwisa huwori, kusimudzira kuvimbika, kutendeseka uye nemabatiro akanaka emabasa ezveruzhinji nemidziyo yeruzhinji. Chitsauko ichi chinotarisa pamatanho ekudzivirira, zviyero nemaitiro uye chinotaridza zvinangwa zvekudzivirira nenzira dzekuzvizadzisa. Nyika dziri nhengo dzebumbiro rekurwisa huori dzinosungirwa kuumba mitemo, nzira nekururamisa zvisungo zvakakodzera pakurwiswa kwehuori zvichisanganisira kushandidzana ne masangno akazvimiririra oga. Zvakare, Chitsauko ichi chinoratidzira kukosha kwemitemo yekudzivirira, kudiwa kwekuenderera mberi kwekuongororwa kwemaitiro aripo ekurwisa huwori pamwe nekubatana kwenyika dzese. Sezvo zvisungo zvekudziviria huori, marongerwo nematanho zvichishanda zvakanaka kana paine kukoverwa kwezivo nekushandidzana namasangano akazvimiririra oga, UNCAC inopanhungamidzo nokupagwara mubasa irori. Pamusoropazvo, Chitsauko chinopa gwara renzira dzingashandiswa kuti mubazi reveruzhinji muve nekujeka, uyekuti huwori hudzivirirwe mubazi rekutongwa kwedzimhosva. Chitsauko chepiri chinopedzisira nekutarisa nyaya yekubiwa kana kupidigurwa kwemari ichiyendeswa kunzekwenyika.

1.1 Chisungo Cheshanu (Article 5) – Nzira dzekudzivirira huwori

1.1.1 Tsananguro yeChitsauko chino

Muchitsauko cheChishanu che UNCAC, nyika dziri nhengo kubumbiro rekurwisa huwori dzinokurudzirwa kuti dzivandudze nzira dzekurwisa huwori dzinosanganisira kutora rupandi kweveruzhinji nekuita zvinoratidza zviga zvekuremekedzwa kwemutemo, kufambiswa zvakanaka kwezvinhu zveveruzhinji nehupfumi hwevanhu, kuvimbika, kujekesa uyekutendeseka.

1.1.2 Kuzakidziswa kweChitsauko

Nyika yeZimbabwe inenzira dzakawanda dzayamisa nedonzvo rekudzivirira huwori. Bumbiro remutemo we Zimbabwe (Constitution of Zimbabwe) uye kudzikwa kwemutemo unowumba bazi rinova komisheni inorwisa huwori weZimbabwe Anti-Corruption Commission Act [Chapter 9:22] ndedzimwe dzenzira idzi.

Pamusoro paizvozvo, Zimbabwe yakagadzira chirongwa chekugadzikana kwe hupfumi chinonzi Transitional Stabilization Programme 2018–2020 chakanongedza huwori rimwe rematambudziko eNyika. Chakanakira chirongwa ichocho ndechekuti chinowedzera simba kumasangano akazvimirira oga nematare edzimhosva mumabasa avo ekurwisa huwori.

Zvakare masangano akaita seZimbabwe Anti-Corruption Commission (ZACC) pamwe neHofisi yaAuditor General vanoita ongororo pamwe nekunzvera uko kunofumura huwori nezvimwe zvisinakufanira.

Zvakadaro, paneshoropodzo inobva kune vanoongorora vanoshushikana kuti kurudziro kubva kuna Auditor General dzirikufuratirwa uye nekudaro, kuvimbika mumabasa everuzhinji hakuna kuchengetedzwa.[29]

Iwo magwaro ewongororo idzi anowanzo onekwa seangori ezvidzidzo pasina shanduko yemitemo inovandudzwa nezvakawanikwa nekuwongorora uku. Pari zvino Auditor General aripo arikuitabasa rinorumbidzwa; asimumashure, kwaive nekunonoka mukupedzisa basa rehofisiyake.

Chikamu 10 chemutemo urimaererano nekunzverwa kwemari dzehurumende we Audit Office Act [Chapter 22:18] chinosungura Auditor General kuti anan'anidze mabhuku emari ehururumende nemapazi everuzhinji obva ayendesa tsvakurudzo yake ku Gurukota Rezvemari (Minister of Finance) musi was 30 Chikumi wegore roga roga usati wasvika. Tsvakurudzo yegore ra2019 haisati yapedzwa. Kukundikana kuburitsa nguva nenguva gwaro rekuongorora mafambisirwo ezvemari kunokaidza hwaro hwekuchengetedzwa nokushandiswa zvakanaka kwemari dzeveruzhinji uye zvinodzikisa kukosha kwekunzverwa kwemabhuku ezvemari senzira inodzivisa kupfachurwa kwemari uye zvakakoshera kudzivirira mhosho dzingawanikwe maringe nekushandiswa kwemari dzeveruzhinji.

Musi wa 11 Chikunguru gore ra 2020, Zimbabwe yakaparura gwaro rinowumba hwaro nenzira dzekurwisa huwori munyika (National Anti-Corruption Strategy and Action Plan) chinova chirongwa chinopera gore ra 2024. Zvisinei, chirongwa chekusimudzira gwara iri chakashaya rutsigiro kubva kuMasangano eveRuzhinji azvimiririra oga (maCSOs) sezvo maCSO akatiwandei seAnti-Corruption Trust yeSouthern Africa (ACT-SA) vasina kupuwa mukana wokuti vavenerupandi panyaya yokuwumbwa kwegwaro iri. Kushaikwa kwetsigiro kubva kumasangano akazvimiririra oga kunogona kukanganisa kushanda zvakanaka kwechirongwa ichi.

Zvakare, pachine kudikanwa kwehurongwa hwakasimba hwekudzivirira huwori mukati merupandi rwemasangano akazvimiriria oga asiri pasi pehurumende. Muenzaniso kuvapo kwemushandirapamwe wenharadada muchikamu chebasa rezvemafuta edzimotokari uye nehumbimbindoga muchikamu chemishonga, izvi zvirikukonzera kukwidzwa kwemitengo yezvinhu zvakakosha, izvo zvinokanganisa hugari hwevanhu vakawanda.

Chokwadi chekuti kambani ye Sakunda neye Greenfuel Pvt Limited ndiyo inotonga mubazi rekutengeswa kwemafuta zvinoratidza kudiwa kwehurongwa hwakasimba nemitemo yekupedza huwori hwemasangano akazvimirira maererano nehumbimbindoga munzvimbo dzakasiyana dzezvehupfumi.[30]

1.1.3 *Zvakashomeka*

Kunyangehazvo Zimbabwe ichizvirumbidza pamusoro pehurongwa hwezvekurwisa huwori, pane mikana yakawanda yekuvhiringa kuzadzikiswa kwehurongwa uhwu. Mitemo iriko inoshandiswa zvinerusarura sezvopaine horomori 'dzisingabatike' pakati pevanhu vanoonekwa vachidyidzana nezvematongerwo enyika.

Semuenzaniso, vaimbovagurukota rezvemigodhi nekuvandudzwa kwemigodhi, VaObert Mpofu, vakasumwa kudare reparamende kuti vapindure nyaya dzehuori mubazi rezvemigodhi dzakanyangaritsa US $ 15 bhiriyoni, asi akaramba kuenda kumatare, uye

[29] Zaba, F. (2019), 'Authorities should take public audit reports seriously', available at https://www.theindependent.co.zw/2019/07/05/authorities-should-take-public-audit-reports-seriously/ [accessed on 3 February 2021].
[30] Mhlanga, B. (2020), 'Zim losing US400m to Oiline Cartels', available at https://www.theindependent.co.zw/2020/02/20/zim-losing-us400m-to-oil-pipeline-cartels/ [accessed on 27 November 2020].

hapana danho ratorwa pamusoro pake kusvika nhasi.[31] Izvi zvinoreva kuti Zimbabwe ichirikuchengeta vanhu varipamusoro pemutemo,[32] zvichipachokwadi kumawonero okuti pane vasirikurangwa kana vaparamhosva nekuda kwekutsigirwa kwavanoitwa nevari kutonganyika. Kunyangwehazvo Zimbabwe yakasaina ikasimbisa zvibvumirano zvekurwisa huwori zvinosanganisira chibvumirano cheUNCAC, SADC Protocol yekurwisa huwori uye chibvumirano cheAfrican Union chekudzivirira pamwe nekurwisa huwori chinorambidza kusarangwa kwevanobatwa nemhaka dzehuwori.

1.2 Chisungo CheChitanhatu (Article 6) – Masangano ekudzivira huwori

1.2.1 Tsananguro yechisungo

Chisungo Chechitanhatu chinopa nhungamidzo kunyika dzirinhengo pasi pebumbiro rekurwisa huwori kuti dzimise nzira dzinosanganisira mutemo nemasangano anotsigira hwaro hwekudziviria huwori. Nhengo dziri pasi bebumbiro iri dzinosungirwa kupa mikana inotendera masangano ekudzivirira huwori kuti ashande basa rawo nemazvo.

1.2.2 Kuzadzikiswa kwechisungo

Chitsauko chegumi nenhatu chebumbiro remitemo reZimbabwe (Chapter 13 of the Constitution of Zimbabwe) chinopa simba kumasangano ekurwisa huwori nemhosva. Iyi inotevera mienzaniso inoyemurika:

↔ **Zimbabwe Anti-Corruption Commission (ZACC)**

Bato guru rinorwisa huwori ndereZimbabwe Anti-Corruption Commission (ZACC), yakapihwa masimba pasipezvitsauko 254 kusvika 257 zvebumbiro remitemo yeZimbabwe (Constitution ye Zimbabwe). Chikamu 255 chinotsanangura zvinotevera semabasa eZACC:

- Kuongorora nekufumura nyaya dzehuori mumapazi eruzhinji neakazvimirira,
- Kurwisa huwori, humbavha, kushandiswa kwesimba zvisizvo uye mamwemaitiro asina kufanira mumapazi eruzhinji neakazvimiririra,
- kuraira Commissioner-General wemapurisa kuti aongorore nyaya dzehuori hunofungidzirwa uye kumhan'ara kusangano pamusoro pemhedzisiro yekuferefetwa kwakadai,
- kukurudzira kutendeseka, kuvimbika panyaya dzemari , uye kukurudzira jekeso mumasangano eruzhinji neakazvimiririra;
- uyekuendesa nyaya kuhofisi huru yehuchuchisi yeNational Prosecuting Authority kutiitongwe.

ZACC yakavambwa muna 2005 kuburikidza neChitsauko 13, Chikamu 1 chebumbiro remutemo weZimbabwe, uyemutemo weZimbabwe Anti-Corruption Commission Act wegore ra2004. Chisungo chinosimbisa ZACC chinogona kuwanikwa zvakare mubumbiro remutemo weZimbabwe raimbovepo. ZACC yakagadzwa muna2004 yaive pasi peChikamu 108A chebumbiro iri. Zvakadaro, kubva pakuzvarwakwayo, sangano iri raigara richisangana nematambudziko anoverengeka anosanganisira hutungamiriri hunehuwori, uyekushomeka kwesimba nekuda kwekushayamari yakakwana.

[31] Newzimbabwe Mail (2018), 'Obertmpofu refuses to answer questions on missing $15 billion in parly, Says He Will Not Be Presided Over By Temba Mliswa', available at https://www.thezimbabwemail.com/parliament-parliament/obert-mpofu-refuses-answer-questions-missing-15-billion-parly-says-will-not-presided-temba-mliswa/ [accessed on 24 November 2020].

[32] Mangwaya, M. (2020), 'TIZ blasts lambasts impunity of corrupt officials', available at https://www.newsday.co.zw/2020/10/tiz-lambasts-impunity-of-corrupt-officials/ [accessed on 27 November 2020].

Pakutanga, ZACC yainge yavekumagumo ekunyombwa nekusekwa kubvakuruzhinji, urwo rwaifunga kuti zvayaiita zvaiva zvishoma pane zvayaifanirwa kuve ichiita mukurwisa huwori.[33] Musimboti wekusashanda zvakanaka kweZACC inyaya dzehuwori dzakawanda dzinosanganisira vakuru veZACC pachavo. Izvi zvinogona kunge zvakakonzerwa nemaitiro ekugadzwa kwavo anerusaruro, izvo zvinopamutungamiriri wenyika samba rakawanda rekugadza makurukota eZACC. Vakuru vezvematongerwo enyika vemuZimbabwe vagara vachipomerwa huwori hukuru uye, nekuda kwesimba reMutungamiriri wenyika mukugadza makurokota makomishina eZACC, kazhinji ndivo vanhu vanehudyidzano nezvematongerwo enyika vakafumuka (PEPs) vanogadzwa semakurukota.

Nyaya yekutanga yehuwori inozivikanwa neZACC Commissioners yakaitika muna2008 pavakagamuchira kuburikidza nehuwori dzimba dzepamusoro-soro.[34] Mhosva dzehuori hwepfuma yemidziyo yedzimba dzakaenderera mberi muna 2013 apo gurukota aimbova mutungamiri weZACC, Ngonidzashe Gumbo, akasungwa achipomerwa kubiridzira sangano iri mari inosvika madhora ekuAmerica zviuru mazana manomwe nemakumi matatu neshanu (US $ 435 000). Akapomerwa mhosva yekuitamari muchivande nekutengeserana kunosanganisira mudziyo wechivakwa cheZACC. Gumbo akawanikwa aine mhosva uye akatongerwa kugara mujeri kwemakore maviri muna Kurume 2015.[35] Muna 2014, zvakabuda kuti muferefeti weZACC akabhadharwa nesangano renhabvu reZimbabwe Football Association (ZIFA) nebasara aiitira ZACC ku ferefeta nyaya dzehuwori kuvakuruveZIFA. Nhau dzemapepa dzakataura kuti izvi zvinoratidza kuti paive nekudyidzana zvisina kukodzera pakati pemasangano maviri aya mukugadzirisa nyaya iyi.[36]

MunaNdira 2019, Sachigaro weZACC, mutevedzeri wasachigaro uye makurukota ose masere vakasiya basa.[37]Vakaitaizvi mushure mekunge mutungamiri wenyika VaMnangagwa vataura kutivaizogadzirisa ZACC,[38]asi hazvina kujeka kana izvi zviriizvo zvakakonzera kuti vazhinji vasiyezvigaro. Kana makurukota ese asiya basa, ZACC inosara iri parumananzombe basa rakamira sezvo variivo vanoita basa rakakosha mukushanda kweZACC. Mutemo unoumba sangano reZACC hautaure mamiriro ezvinhu kana makurukota ose asiya basa; nokudaro hapana muono mumutemo wekuumba nzira yekugadzirisa chimiro chakadayi. Zvisinei, ZACC zvishoma nezvishoma yakatanga kudzoreredzwa nekuwana ruyemuro kubva kuneveruzhinji munaChikunguru 2019 apo makurukota manomwe eZACC, anosanganisira Fungai Jessie Majome, John Makamure, Gabriel Chaibva, Thandiwe Thando Mlobane, Frank Muchengwa, Michael Dennis Santi (Rtd Maj) naKuziva Phineas Murapawere, vakatora mhiko dzekushanda kusangano iri irorakazotanga chirongwa chakakura chekuturira veruzhinji basa ravaiita kuburikidza nedandemutande reTwitter.[39]Muna Gunyana 2020, ZACC yakatanga chirongwa chekurwisa huwori kuburikidza nekukurudzira nharirire fumura huwori dzichishandisa mbozhanhare kufonera bazi iri muchivande kuitira kuti zvive nyore kuti vagari vazivise zviitiko zvakavanzika zvinoitwa nevakuru vehurumende kana mamwe mapazi.[40]

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[33]Start up Biz Zimbabwe (2019), 'Corruption in the Spotlight as ZACC resigns', available at https://startupbiz.co.zw/corruption-in-the-spotlight-as-zacc-resigns/ [accessed on 27 November 2020].
[34]Magaisa, A. (2016), 'The last dance before sunset', available at http://alexmagaisa.com/big-saturday-read-last-dance-sunsetzimbabwes-political-elite-looting-state-citizens-can/[accessed on 27 November 2020].
[35]Nemukuyu, D. (2015), 'Anti-Corruption Commission boss jailed',available at http://www.herald.co.zw/anti-corruption-commission-boss-jailed/ [accessed on 27 November 2020].
[36]The Herald (2014), 'How did Zifa pay a ZAAC investigator?', available at https://www.herald.co.zw/how-did-zifa-pay-a-zaac-investigator/[accessed on 24 November 2020].
[37]Mashaya, B. (2019), 'Zacc chair, Commissioner resign', available at https://www.dailynews.co.zw/articles/2019/02/01/zacc-chairCommissioners-resign [accessed on 27 November 2020].
[38] Ibid.
[39] See https://twitter.com/ZACConline.
[40]See The Herald (2014), 'How did Zifa pay a ZAAC investigator?'.

Bumbiro remutemo (Constitution) rinopa ZACC simba rekuburitsa nekushashika chero mishumo ye "hunhu husinakunaka" hwevakuru vehurumende kana nhengo dzesangano rakazvimiririra.[41] Simba reZACC rekudoma uye kunyadzisa vanoita huwori rinogona kumanikidza hurumende nemakambani ane huwori kuti atange kuita shanduko. Iyo inogona kutyaira mitemo yekunatsa zita renyika. Mutemo unoumba komisheni yeZACC (ZACC Act) zvichakadaro hawupi ZACC kuzvitonga kuzere maererano nemishumo yavanoburitsa. Mutemo unoumba Komisheni unosungira maKomishina kuti kamwe pagore vaunze kudare reparamende gwaro rinorondedzera mashandiro aiita sangano ravo.[42] Izvi zvinofanirwa kuitwa kuburikidza negurukota rehurumende rakakodzera. Pakaparurwa sangano reZACC, Gurukota rakakodzera raive gurukota rezvemukati menyika (Minister of Home Affairs).

Zvakadaro, ZACC yakabviswa kubazi rezvemukati menyika asi haina kupihwa bazi rakasiyana, izvo zvakakonzera kuti chero Gurukota rikwanise kupindira munyaya dzeZACC. Makurukota ehurumende anogona kukumbira kuti ZACC itutsire mamwe magwaro ayo asati aburitswa kuenda kune veruzhinji.[43] Chisungo ichi chinotora rusununguko kubva kuZACC nekuti, kunyangwe hazvomutemo uchitaura kuti ZACC inogona kuburitsa nhepfenyuro dzayo sezvainoona zvakakodzera asi kana gurukota risingabvumirane ne zvirimugwaro, rinogona kumanikidza vezvematongerwo enyika kutivarishandure kana kusariburitsa pachena zvachose. Vakamisa murau unoumba komisheni yeZACC (ZACC Act) havana kunge vakamisa chiga chinotara kuti mishumo inoburitswa nesangano reZACC ikoverwe kuneveruzhinji. Mutemo unongotara bedzi kuti magwaro aunzwe kugurukota rehurumende iro rozoita sekuna kwaro.[44]Izvi zvinokangaidza basa reZACC rekuita zvinhu zvayo pachena, uye zvinogona kukonzera kurasikirwa nevimbo yeveruzhinji kana zvikaonekwa kuti hayisi kushanda zvine mutsindo kurwisa huwori. ZACC yakundikana kuburitsa mishumo nguva nenguva uye yakundikana kuunza mishumo pamberi peparamende, asi chinonetsa zvikuru kukundikana kweparamende kubvunza ZACC kutadza kwayo panyaya iyi. Kuregererwa uku kunoratidza kuti kurwisa huwori hakusi chinhu chakakosha kuparamende. Paramende yakundikana kuongorora basa reZACC. Kushaikwa kwekutarisiswa uku kunongoratidza kuti nyaya yekurwisana ne huwori haisi yakakosha pabasa reparamende.

Mukuyedza kundudza simba reZACC nekuipa masimba akapamhidzirwa, musiwa 28 Chikumi 2019, gurukota rezvemitemo nekushanda kweparamende (Minister of Justice, Legal and Parliamentary Affairs) vakazivisa nemutemo unonzi Statutory Instrument 143/2019, Criminal Procedure and Evidence (Designation of Peace Officers) (Amendment) Notice, 2019 (No. 3), uyo unodoma nhengo dzeZACC se "vachengetedzi verunyararo" pazvinangwa zvese pasipe Criminal Procedure and Evidence Act. Izvi zvinoreva kuti nhengo dzeZACC dzakapihwa masimba ekusunga zvavaive vasina kare. Mutemo weZACC (ZACC Act) unopa sangano reZACC masimba akapamhamha kuti ikwanise kurwisa huwori nemazvo. Zvisinei, masimba aya haana kugonesa ZACC kuzadzikisa basa rayo sekufungidzira kwakaitwa nevanyori vemutemo weZACC Act. Masimba akapihwa ZACC dzimwe nguva anoda mushandidzanwa kubva kumapurisa, kubva kuhofisi yemuchuchisi mukuru uye nekuhofisi yegweta guru rehurumende. Muenzaniso weizvi ndewokuti gurukota reZACC rinofanira kuperekedzwa nemupurisa panguva yekutsvaga nekutora midziyo yevanhu vanofungidzirwa mhosva dzehuori.[45]

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[41] See Section 257 of the Constitution of Zimbabwe, 2013.
[42] See Section 17(1) of the ZACC Act.
[43] Ibid, and 17(4) of the ZACC Act.
[44] See Section 17(6)(b) of the ZACC Act.
[45] See Section 13(4)(b) of the ZACC Act.

Musi wa19 Chikumi 2020, vakuruve ZACC vakati vakashandisa masimba avo kusunga vaimbova gurukota rezveutano nekuchengetedzwa kwevana VaObadiah Moyo.[46] Izvi zvinoratidza kuti vakuruveZACC vanga vatotanga kushandisa masimba matsva ekubata mbavha avakapihwa. Zvakadaro, simba rekusunga reZACC yanga iri nyaya yakanetsa uye inegakava panyaya yakanangana nevaimbova gurukota redzidzo yepamusoro muZimbabwe, Jonathan Moyo, nemutevedzeri wake, Godfrey Gandawa. ZACC yakapa VaMoyo mhosva yekudyidzana naVaGandawa nevamwe vakuru mubazi ravo kutora mari inodarika US $ 400 000 kubva kuhomwe yeZimbabwe Manpower Development Fund (ZIMDEF) kuti vazvibatsire. Izvi zvakakonzera kusungwa kwaVaMoyo, uko vakapikisa mudare remhosva dzakanangana nebumbiro romutemo reConstitutional Court yeZimbabwe, vachiti ZACC haina masimba ekusunga. Dare reConstitutional Court rakati ZACC zvechokwadi yakanga isina masimba ekusunga, asi kuti mupurisa aitsigira ZACC aive nesimba rekusunga.[47]Nekudakweizvozvo, Moyo wakasunungurwa.

Zvakare, ZACC haipihwi mari zvakakwana.[48] Zvisinei nekukura kwenyika yavanofanirwa kushandira, ZACC ine mahofisi muHarare, Gweru, neBulawayo chete uye izvi zvinopa humbowo kumatambudziko emari. Kushaikwa kwehomwe yemari yakanangana neZACC kubva kuhomwe yenyika chikanganiso chikuru uye imhotswa pamutemo unowumba sangano iri nepabumbiro remitemo yeZimbabwe. Sangano rinoshanda nemazvo pakurwisa huwori (Anti Corruption Agency) rinofanira kuve nemari yakati wande yekutsigira mabasa nekuzadzikisa zvinangwa zvaro zvekurwisa huwori. Izvi zvinoyemurwa setsika yakanaka pasi rese.[49] Chimiro chesangano reZACC hachiyemuriki nokuti kubva pakaparurwa sangano iri homwe yenyika haina kugona kuzadzikisa zvidiso zvesangano iri maringe nekugoverwa kwemari yebasa yakaringana. Panguva ino chikamu chemari inokumbirwa nesanagano reZACC kubva kuhomwe yenyika chakatoderera kusvika pasi pezvikamu makumi maviri kubva muzana (20%)[50] Nokudaro, izvi zvinotsanangura shuviro yesanagano iri kuti ichengetere basa zvikamu gumi neshanu kubva muzana (15%) yehupfumi hunowanikwa kubva kumutengo wembatya dzinodzoswa munyika.[51] Mugwaro rekushandiswa kwemari yeZimbabwe ra2019, ZACC yakapihwa mamiriyoni mashanu emadhora ekuAmerica (US$5 million).[52]Izvi zvakadzikira zvakanyanya kupfuura bhajeti rakakumbirwa, iro rinofungidzirwa kuti raipfuura miriyoni mapfumbamwe (US$9 million).[53] Mari shoma inowanikwa ne ZACC inotadzisa kugona kwesangano iri kuzadzikisa basa rayo rekurwisa huwori. Mari inogamuchirwa nesangano iri inoperera kumigove yevashandi. Nokudaro mari yekuita zvakazara sekuferefeta kana kurwisa huwori inobva yashayika.

ZACC inogona bedzi kutorwa seboka rakazvimiririra pachokwadi uye risina rusarura zvichienderana nezvimiro zvemakurukota anoumba sangano iri. Muna Kurume 2019,

[46]Murwira, Z. (2020), 'ZACC arrests health minister', available at https://www.herald.co.zw/zacc-arrests-health-minister/[accessed on 27 November 2020].
[47] See the court ruling Moyo v Sgt Chacha& Others (CCZ 19/17, Const. Application No. CCZ 73/16) [2017] ZWCC 19 (20 September 2017) available at https://zimlii.org/zw/judgment/constitutional-court-zimbabwe/2017/19 [accessed on 20 December 2020].
[48]Mupondo, R. (2019), 'Poor funding compromises Zacc independence', available at https://www.newsday.co.zw/2019/11/poor-funding-compromises-zacc-independence/[accessed on 27 November 2020].
[49] See Jakarta Statement on Principles for Anti-Corruption Agencies (2012), available at https://www.epac-eacn.org/latest-news/98-principles-for-anti-corruption-agencies.
[50]Katongomara, A. (2018), 'ZACC operations under threat', available at https://www.chronicle.co.zw/zacc-operations-under-threat/ [accessed on 27 November 2020].
[51] Mhlanga, P. (2020) 'ZACC goes for broke', available at https://businesstimes.co.zw/zacc-goes-for-broke/[accessed on 19 November 2020].
[52] See Zimbabwe National Budget Statement (2019) at p. 168.
[53]Langa, V. (2017), 'Underfunding Stifles Zacc operations', available at https://www.newsday.co.zw/2017/04/underfunding-stifles-zaccoperations/ [accessed on 15 November 2020].

mutungamiriri wenyika akagadza Mutongi Loice Matanda-Moyo saSachigarowe ZACC.[54] Ichi chiitiko chakaziviswa apo boka rinorunga mitemo yedare reparamende rakanga riripakati pekusarudza nhengo sere dzekomisheni iyi kubva pagurumwandira revanhu zana nemakumi matatu.[55] Sarudzo yaVaMnangagwa yekugadza Justice Matanda-Moyo yakasangana nekushoropodzwa sezvo mai Matanda Moyo vanga vasingaonekwe semutsvaki webasa akazvimiririra. Izvi zvinodaro nekuti akaroorwa negurukota raiwona nezvekunze nekutengeserana nedzimwenyika, vaSibusiso Busi Moyo.[56] Kunyangwe zvaigona kukwikwidzwa kuti kuroorwa kwaSachigaro hakufanirwe kupingaidza nyaya yekugadzwa kwavo, asi kunyangwe zvakadaro kunyunyuta kuripo mukugadzwa kwa Justice Matanda-Moyo hakugone kufuratirwa. SB Moyo pachake akapomedzerwa kuva nerutivi panyaya yekubiwa kukuru kwezvicherwa apo Zimbabwe yakapinda mumakakatanwa emuDRC.[57]

Zvino mubvunzo unonyuka pamusoro pekusatora divi kwaMatanda Moyo zvikuru kana vanhu vakazopa nyunyuto pamusoro zvipomerwa zvakanangana nomurume wake maringe nehupfumi hwenyika hwakapambadzwa muhondo yekuDRC apo panonzi vatungamiri vashomashoma veuto ndivo vega vakawana chouviri. Pamusoropezvo, sangano rinorwisa huwori harifanire kunge rakazvimiririra chete asi kuti rinofanirwa kuratidza kuti rakasununguka kubva mukumbunyikidzwa nezvematongerwo enyika. Harisi guhwa kuti ZACC ndiro sangano raishandiswa nemutevedzeri wemutungamiri wenyika, VaConstantino Guvheya Chiwenga kugadzirisa gakava remuchato kubva kumukadzi wavo wavakange varambana naye, Mary Chiwenga nekumumhan'arira nyaya yekuba mari achiyendesa kunze kwenyika, asi haasati awanikwa aine mhosva kusvika parizvino.Vakuru vane mukurumbira vakaita saProf. Jonathan Moyo vakashoropodza kuti kupindira kweZACC munyaya dzakadai kwakapa mufananidzo wakashata wesangano iri.[58]

↔ Matare ekurwisa huwori

Musi wa 29 Kurume 2018, Judicial Service Commission yakaparura mumaguta eBulawayo neHarare matare edzimhosva anehunyanzvi hwekurwisa huwori kuti vagadzirise nyaya dzehuori nekutarisana nemhando dzose dzehuori.[59]Kugadzwa kwematare aya akakosha kunorumbidzwa uye kuita kwakanaka sezvo zvichireva kuti vatongi vane mukana wekutesedzera hunyanzvi munyaya idzi, uye zvinoreva kuti vatongi vanoringanisirwa mhosva dzinouya kudare uyewo nyaya idzi dzinochimbidza kupedzeredzwa. Nekudaro, hapana kuve neruzivo rweve ruzhinji nezvekufambira mberi uye kubudirira kwechiitiko chitsva ichi mubazi rezvekutongwa kwedzimhosva. Panyaya yekudzivirira mhosva dzezvemari Matare aya akatsigirwa nekugadzwa kwemutemo wakavandudza urimaererano nokudzivirira kupidigurwa nokubiwa kwemari netuso razvo (Money Laundering and Proceeds of Crime Act) uyu unova mutemo unotsamira panzira dzekuripirana nekutevera nhanho dzekutongwa kwemhaka pakudzorwa kwehupfumi hunowanikwa kubva kumabasa ehukororo. Makurukota

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[54] Mpofu, M. (2019), 'Latest: President Emmerson Mnangagwa appoints new ZACC chairperson', available at https://www.myzimbabwe.co.zw/news/43219-latest-president-emmersonmnangagwa-appoints-new-zacc-chairperson.html[accessed on 10 November 2020].
[55] Ibid.
[56]Kanambura, A. (2019), 'Uproar over Mnangagwa's Pick of New Chair', available at https://www.theindependent.co.zw/2019/03/29/uproar-overmnangagwas-pick-for-new-zacc-chair/ [accessed on 7 November 2020].
[57] UN Security Council (2002), 'Letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council', available at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DRC%20S%202002%201146.pdf [accessed on 19 October 2020]
[58]Pindula News (2019), 'If there's a crime here, it's ZACC's shocking involvement, Jonathan Moyo on Marry Chiwenga charge sheet', available at https://news.pindula.co.zw/2019/12/15/if-theres-a-crime-here-its-zaccs-shocking-involvement-jonathan-moyo-on-marry-chiwenga-charge-sheet/ [accessed on 1 November 2020].
[59]Chingarande, D. (2018), 'Anti-corruption courts officially open' available at https://www.newsday.co.zw/2018/03/anti-corruption-courts-officially-open/ [accessed on 25 December 2020].

ekumatare edzimhosva nevachuchisi varimubishi kupihwa ruzivo nedzidziso pamusoro pekurwisana nehuwori. Kuparurwa kwematare akanangana nenyaya dzehuwori kwakonzera kutti vashanu vaimbova makurukota ehurumende vamiswe pamberi pedare zvakaita kuti vaviri vavo vabatwe nemhosva ndokutongerwa kugara mutirongo.[60]

↔ **Bazi reNational Prosecuting Authority (NPA)**

Hofisi yemuchuchisi mukuru (National Prosecuting Authority – NPA) yakaparurwa maererano nechikamu Section 258 yebumbiro remitemo reZimbabwe (Constitution of Zimbabwe). Basa rayo ndere kuchuchisa mhosva dzehumbavha, kusanganisira kuchuchisa horomori dzezvehuori.[61]Ndiro rimwe remasanagano rinotambidzwa nyaya kubva kuZACC yoenderera mberi kuita kuti dzitongwe. Vachuchisi vanoshandira bazi reNPA vakapomerwawo mhosva dzehuwori. Semuenzaniso, musi wa17 Chikunguru 2020, ZACC yakatenda nekubvumirana nenyaya yekusungwa nekumiswa pamberi pedare muchuchusi mukuru wedunhu reHarare (Provincial Public Prosecutor) akasungwa pamwe ne mupurisa wepamusoro, Senior Assistant Commissioner Detective Assistant, Inspector uye Mutikitivha (Detective), vesevaibva kubazi re Police Commercial Crimes Division-CCD. Vaipomerwa mhosva yekushandisa masimba zvirikunze kwemwero webasa ravo.[62] Pamusoropezvo, NPA inowanzotsigirwa nevachuchusi vakatumwa kubva kumapurisa eZimbabwe Republic Police (ZRP) ayo akanzi aipesana nebumbiro remutemo, sezvo zvichipesana nechikamu 208 (4) Amendment (No. 20) 2013.[63] Vanhu vemunharaunda vakabvunzwa vakashora kuti vamwe vevachuchusi vemapurisa havayiti huori chete asi vanoshaya hunyanzwi hwekuchuchisa nyaya dzehuwori.[64]

↔ **Mapurisa eZimbabwe Republic Police (ZRP) - vanorwisa huwori (Police Anti Corruption Unit, PACU)**

Basa ravo nderekuongorora nekudzivirira huwori. Basa rePACU zvakare nderekuvhiringidza, kuferefeta nekuona huwori nedzimwe mhosva dzezveupfumi dzinoitwa mukati memabhizimusi ehurumende, masangano anoumbwa nemutemo, nevemasangano akazvimiririra.

Boka iri rinoshuwira kukuridzirwa kweminyatso mina inosimbisa kufambiswa zvakanaka kwehutongi hwemasanagano. Kunyangwe zvakadaro, bazi iri rinowanikwa muHarare nekuBulawayo izvo zvinoita kuti mashandiro aro asabudirire zvakanaka. Pamusoro pazvo, bazi iri rakashoropodzwa pamusoro pekufuratira mhosva dzehuwori dzakaparwa nevatungamiri vemapurisa. Munyaya yeaimbove komishina wemapurisa (Commissioner-General) vaAugustine Chihuri, mapurisa haana kuita hanya nenyaya dzehuwori dzaayipomerwa kusvikira asiya basa. Parizvino arikupomerwa mhosva yehuori, kunyange hazvo arikugara muhupoteri kunze kwenyika.[65]

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[60]Matumbi, C. (n.d.), 'Combating corruption through effective criminal justice practices, international cooperation and engagement of civil society: the Zimbabwean perspective' available at https://www.unafei.or.jp/publications/pdf/RS_No107/No107_32_IP_Zimbabwe.pdf [accessed on 25 December 2020].
[61] See https://zimlii.org/zw/legislation/act/2013/amendment-no-20-constitution-zimbabwe.
[62] Masakadza, B. (2020), 'Senior Cop, Prosecutor in Court', available at https://dailynews.co.zw/senior-cop-prosecutor-in-court/ [accessed on 2 November 2020].
[63] See Zimbabwe Law Officers Association & Another v NPA & Others (CCZ 1/19, Const Application No CCZ 32/14) [2019] ZWCC 01 (19 February 2019), available at https://zimlii.org/zw/judgment/constitutional-court-zimbabwe/2019/1[accessed on 26 December 2020].
[64] Meeting of 1 August 2020 with members of the Kwekwe Anti-Corruption Monitoring Voluntary Action Group.
[65]Ndoro, T. (2019), 'Justice at last as Augustine Chihuri, Senior police officers face arrest for abuse of office during Mugabe days', available at https://iharare.com/justice-at-last-as-augustine-chihuri-senior-police-officers-face-arrest-for-abuse-of-office-during-mugabe-days/ [accessed on 3 November 2020].

↔ **Bazi rekurwisa huorire Special Anti-Corruption Unit (SACU) iro rinoshanda ririmuhofisi YeMutungamiri wenyika**

Bazi iri rakaumbwa munaChivabvu 2018, nemutungamiri wenyika VaEmmerson Mnangagwa uye rinoshandira muhofisi yeMutungamiri wenyika neMakurukota eHurumende nechinangwa chekuti rivandudze mashandiro ekurwisa mhando dzese dzehuori uye kusimbisa hwaro hwenyika hwekurwisa huori.

Zvinangwa zvechikwata ichi zvinosanganisira: kugadzirisa mashandiro ekurwisa huori hwese nekusimbisa nekuvandudza mashandiro ekudzivirira uyekurwisa huori. Sangano iri rinoshanda pamwe neZimbabwe Anti-Corruption Commission (ZACC) nemapurisa eZimbabwe Republic Police (ZRP), pamwe nemamwe masangano akadaro mukurwisa huwori. Bazi iri rinobatsirawo ZACC nemamwe masangano eHurumende anoongorora nyaya, zvichitarisirwa kuburitswa kwemvumo (Authority to Prosecute) inobva kuhofisi yemuchuchisi mukuru (Prosecutor General) yekuti nyaya dzagamuchirwa dzipinde mudare redzimhosva.

Asibazi iri harina kugadzikana nekuti kuvapo kwaro hakuna rutsigiro zviri pamutemo. VaMunyaradzi Bidi veACT-SA vakaratidza kuti rinogona kuputswa panosarudzwa mumwe mutungamiriri.[66] Mukuziviswa kwakaitwa nemutungamiriri wenyika kuburikidza nemunyori wake mukuru, hapana kudomwa masimba emutemo akagadza chikwata ichi, saka zvinogona kupedziswa zvichinzi mutungamiri wenyika akashandisa humbimbindoga sezvo zvisina kuitwa negwara uye zvichipa fungidziro yekuti bazi iri rakaumbwa nechinangwa chekurwisa vavengi vehurumende mune zvematongerwo enyika.[67] Pane kusagutsikana kwakakomba kwekuti bazi iri harisi kuita chero chinangwa charo pamutemo saka zvaivanani kuti Mutungamiri wenyika ayendese mari yakavamba bazi iri kuNPA.[68]

Chirevo chemunyori mukuru muhofisi yemukuru wenyika pamusoro pekugadzwa kwechikwata ichi chinoratidza kuti simba rebazi iri rekuchusisa mhosva "richange rakatsamira pakupuwa mvumo kubva kumuchuchisi mukuru". Nekuda kwekuti hofisi yeMuchuchisi Mukuru (PG) ndiyo yoga inesimba rekuchuchisa nyaya kumatare, huchokwadi hwekugadza bazi iri zvichitsigirwa nemutemo hwava nemibvunzo.[69]Sezvineiwo, chirevo ichi chinotaurawo kuti nhengo dzeSpecial Unit dzichava pasi pemutemo wezvakavanzika Zvepamutemo, zvozvinobva zvawomesa basa ravo nekudakwekutyisa kwemutemo iwoyu. Hofisi yeMutungamiri inofanirwa kugara kure nemabasa ekuchusisa.[70]

Sekureva kweChikamu 258 chebumbiro remutemo (Constitution),[71] masimba ekuchusisa mhosva zviripamutemo akagukuchirwa nebazi rehuchuchisi reNPA. Ndirochete sangano rinesimba rekuchuchisa mhosva rakamiririra nyika. There is an exception provided for in Section 263, under which powers of prosecution may be conferred on persons besides the NPA, but this legal authority must be given by an Act of Parliament, and those powers must not limit or conflict with the NPA's constitutional authority. There is no indication that the

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66 Meeting with Munyaradzi Bidi of the Anti-Corruption Trust of Southern Africa on 13 August 2020.
67 Nyarota, D. (2020), 'Mnangagwa's Special Anti-Corruption Unit illegal', available at https://263chat.com/mnangagwas-special-anti-corruption-unit-illegal/ [accessed on 17 November 2020].
68 Ibid.
69 Office of the President and Cabinet (2018), 'President Mnangagwa establishes a Special Anti-Corruption Unit', available at http://www.theopc.gov.zw/index.php/303-president-mnangagwa-establishes-a-special-anti-corruption-unit [accessed on 3 February 2021].
70 Kairiza, T. (2018), 'Mnangagwa's anti-corruption unit illegal' available at https://www.theindependent.co.zw/2018/06/01/mnangagwas-anti-corruption-unit-illegal/ [accessed on 3 February 2021].
71 See https://zimlii.org/zw/legislation/act/2013/amendment-no-20-constitution-zimbabwe.

Special Unit's powers of prosecution have been conferred by an Act of Parliament. Instead, the Special Unit is a creature of a presidential decree.

Pane kutsaurira kunotenderwa pasi peChikamu (Section) 263, apo simba rekuchuchisa mhosva pamberi pedare rinogona kurunzirwa zviripamutemo kune vamwe vanhu kunze kwesangano reNPA, asi simba irori rinofanirwa kupiwa kuburikidza nemutemo wakadzikwa nedare reParamende (Act of Parliament) uye simbaa irori harifanirwi kuderedza kana kupingaidza simba reNPA rakatarwa nebumbiro romutemo (Constitution). Hapana munongedzo unojekesa kuti simba rinoshandiswa nebazi reSpecial Anti Corruption Unit rakadzikwa neDare reParamende. Nokudaro boka rakatsanangurwa iri reSpecial Unit chisikwa chakangoumbwa nechechirevo chomutungamiri wenyika.

Iyo NPA inotungamirwa neMuchuchusi Mukuru, uyo ane hofisi yakazvimiririra uye isiri chikamu chevashandi vehurumende. Uyezvakare, vanhu vanomubatsira mukuita kwake mabasa vanoshanda varipasi pebhodhi rinova bazi rakagadzwa nemutemo weParamende.

Panyayaiyi, Chikamu 259 (10) chinotaura zvinotevera: "Mutemo unodzikwa nedare reParamende unofanirwa kurunga hwaro hwekusarudza bhodhi rinova boka richasarudza vanhu vachabatsira Muchuchisi Mukuru (Prosecutor General)." Vanhu ava vanoshandisa masimba ehuchuchisi havatenderwi, kunyangwe zvodini, kuti vapinde rimwe basa kunze kwesangano reNPA. Chikonzero chakanaka chinosakisa kuti Muchuchisi Mukuru nevashandi vake vasabate basa varipasi pebazi revashandi veHurumende ndechekuti vachengetedze kuzvimiririra kwavo. Nokudaro sarudzo yokuti kuve nevachuchusi vanoshanda vari pasi pehofisi yomutungamiri wenyika (Office of the President) kunozvidza musimboti wekushanda vakazvimiririra uye izvi zvinosimbisa mifungidziro yekuti boka iri reSpecial Unit rinoshandiswa neMutungamiri wenyika sechombo chekurwisa vavengi vezvematongerwe enyika.

Pamusoropezvo, mapurisa anorwisa huwori (PACU) haasati aendeswa kumatunhu ose, anongova muHarare neBulawayo, asizviitiko zvehuori zvakapararira nenyika yose. Zvimwechetezvo, ZACC haina huvepo munyika yose sezvopanguva yekurungwa kwegwaro rino, yaive nemahofisi muBulawayo, Gweru neHarare chete, munyika yaka kamurwa kuita matunhu gumi ekutonga ayo akapatsanurwa kuva matunhu makumi mashanu nemapfumbamwe, mawadhi chiuru nemazana maviri pamwe nehuwandu hwevanhu vanosvika mamiriyoni gumi nemanomwe (2018).[72]

Zvakare, masangano aripo anopomerwa mhosva yekukanganiswa zvakanyanya amwe acho achitotungamirwa nevanhu vanoti kuvanehuwori uye vachitorazve mirairo kubva kuhutungamiriri hwemakurukota ehurumende kuti vodii pavanenge vabatanyaya dzehuwori. Semuenzaniso, iyo Special Anti-Corruption Unit inogara muhofisi yeMutungamiri wenyika nemakurukota ake uye inotora mirairo kubva kumutungamiri nekudaro haina kuzvimiririra.[73]

Semuenzaniso, mukuru wevasori vemapurisa (Director Police Intelligence), Commissioner Douglas Nyakutsikwa vakaita chikumbiro chekuti nyaya iyi iendeswe kudare rinotonga mhosva dzirimaererano nekutsaudzirwa kwebumbiro romutemo reConstitutional Court (ConCourt) uko kwavanoda kupa humbowo hwekuti kugadzwa kweSpecial Anti-Corruption Unit (SACU), inotungamirwa nevanhu vaviri kwakaitwa zvisiri pamutemo. Vamwe vanhu

[72] See https://en.wikipedia.org/wiki/Districts_of_Zimbabwe.

[73] See Nyarota, D. (2020), Zimbabwe: 'Mnangagwa's Special Anti-Corruption Unit illegal' [accessed 25 December 2020].

vanosanganisira mukuru wezvedzimba mukanzuru yeHarare, varikupokana nekugadzwa kweSACU iyoyi mushure mekunge vasungirwa mhaka yokushandisa masimba ehofisi yavo zvirikunze komutemo.

VaNyakutsikwa vanoda kuti dare re ConCourt riburitse mutongo unoraira kuti mabasa eSACU haawirirane nebumbiro remitemo. Sangano reTransparency International Zimbabwe (TI-Z) inotiwo SACU isangano risiri pamutemo, rinodzokorora zvisinakufanira mabasa emuchuchisi.[74] Kune zviitiko zvakawanda apo mamwe emasangano akavambwa kare akapomedzerwa kuti anoshandiswawo nevakuru uye nemapato ezvematongerwo enyika kunyanya kana vachiita kunge varikunanga vanofungidzirwa kuti vavengi vavo munezvematongerwo enyika, vachisiya vanhu vane huwori nokuti vanodyidzana navo. Nyaya yaVaObert Mpofu, avo vaimbova gurukota rezvemigodhi nekuvandudzwa kwemabasa ezvicherwa, avo vane chekuita nemhosva yekushaikwa kwengoda yemadhora mabhiriyoni gumi nemashanu e kuAmerica, inojekesa dambudziko iri.[75] Iyi inotevera mienzaniso iripachena yemasangano anodzivirira huwori anoshanda zvisina tsarukano:

- ↔ Vaimbova mutungamiri weZACC, VaNgonidzashe Gumbo, vakavharirwa mutirongo kwemakore maviri muna 2015 mushure mekunge vaverevedza mari ye sangano iri madhora mazana mana nemakumi matatu nemashanu ezviuru[76];
- ↔ Panguva yekunyora rondedzero ino, imwe nhengo yepamusoro yeZACC yaive yakamiswa basa kwechinguvana nekuda kwekupomerwa kusazvibata zvakanaka pabasa mushure mekunge nyunyuto iyi yakwidzwa kunaPresident Mnangagwa avo vakaumba dare rekutsvakurudza kuti nhengo iyi yaikodzera here kushandira ruzhinji mubazi rerehurumende;[77]
- ↔ Aimbova muchuchisi mukuru- Johannes Tomana akasungwa musi wa8 Chikunguru 2016 akapomerwa mhosva dzakasiyana dzekuzvibata zvisina kufanira, kusanganisira mhosva dzekushandisa masimba ehofisi yake zvisiri pamutemo. Zvisinei nekupomerwa mhosva idzi, mukuru wenyikaVa Mnangagwa vakamugadza semumiriri wenyika kuDemocratic Republic of Congo (DRC), izvo zvinoratidza kuti kugadzwa kwacho hakunei nekuvimbika kwevaikwikwidza kuti vapihwewo basa iri.[78]
- ↔ Musi wa27 Ndira 2020, Luke Malaba, Mutongi Mukuru weMatare weZimbabwe, akashora kuti NPA irikutadza kuchusisa mhosva nemazvo izvo zvinozoita kuti mbavha dzisabatwe nemhoswa. Ichi chiitiko chinopa kutendeseka kune vanoti vemuto vanoita tsika ye 'kubata nekusunungura' mbavha zvirisi pamutemo.[79]

Zvakakosha kuti vanhu vazive kuti mamwe masangano ekurwisa huwori haana zvikwanisiro zvakakwana. Izvi zvinodzosera sure basa rawo. Naizvozvo hazvishamisi kuwona kuti huwori huri kuenderera mberi iwo masangano aya aripo. Zvakare, kuferefeta kunotora nguva yakarebesa kuchiitiwo vanhu vanobatwa nemhoswa vashomashoma muZimbabwe.

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[74] Ibid.
[75] Report Focus Ltd (2018), 'Obert Mpofu refuses to testify on the missing $15 billion diamond revenue', available at https://www.reportfocusnews.com/2018/02/22/obert-mpofu-refuses-testify-missing-15-billion-diamond-revenue/[accessed on 26 November 2020].
[76]See Nemukuyu, D. (2015), 'Anti-Corruption boss jailed'.
[77]Murwira, Z. (2020), 'ZACC Commissioner faces corruption allegations', available at https://www.herald.co.zw/zacc-commissioner-faces-corruption-allegations/[accessed on 27 November 2020].
[78]Madimure, J. (2020), 'President deploys 5 ambassadors', available at https://www.herald.co.zw/just-in-president-deploys-5-ambassadors/ [accessed on 27 November 2020].
[79] Judicial Service Commission (2020), 'Chief Justice Malaba', available at https://www.jsc.org.zw/jscbackend/upload/Publications/Chief%20Justice%20L%20Malaba%2027-01-2020.pdf[accessed on 25 December 2020].

1.2.3 *Zvakaitwa Zvinoyemurika*

Kugadzwa kwebasa re Zimbabwe Republic Police (ZRP) - Police Anti-Corruption Unit (PACU) inzira yakaitwa yakanaka yekubatsira ZACC pabasa rayo.

Zvakare, kumisikidzwa kwematare edzimhosva anorwisa huwori muBulawayo neHarare chiitiko chakanaka, sezvo zvichipa vatongi mukana wekuti vaite basa nemazvo, kutesedzera hunyanzvi munyaya idzi, uye zvinoreva kuti vatongi vanoringanisirwa mhosva dzinouya kudare uyewo nyaya idzi dzinochimbidza kuyananiswa. Kubva zvakagadzwa matare aya muna2018, akatonga vanhu vashanu vaimbova makurukota ehurumende, uye vaviri ava vakabatwa nemhosva, parizvino vari mutirongo.

1.2.4 *Zvigozhero*

Masangano anorwisa huori anosangana nezvigozheri nematambudziko makuru anokangaidza kushanda zvakanaka zvinosanganisira kusatsarukana kwemitemo, kudupuka kwehomwe yemari yebasa uye nekushomeka kwevashandi vaneunyanzvi. Semuenzaniso, ZACC haina mahofisi nevashandi kumatunhu, izvo zvinokanganisa zvakanyanya kugona kwayo kuita basarayo nemazvo. Kupfuurirazve, chikamu chinokosha chekurwisa huwori muhofisi yeMutungamiri wenyika nemakurukota ake (che Special Anti-Corruption Unit) chinowonekwa sechisina kugadzikana sezvo kumisikidzwa kwacho kusina hwaro hwakatsamira pamutemo cheroupizvawo.

Dambudzo guru rinosangana nemasangano anorwisa huori kutadza kuzvimirira sezvo masangano aya aripamhene yekupishaidzwa nezvematongerwo enyika, sezvakafanana neboka reSACU iro rinofungidzirwa kuti rinogaro kwezverwa ne bato remutungamiri wenyika kuti rirwise kumatare vavengi vebato ravo. Nyaya yaKasukuwere achikwikwidzana naMujaya navamwe inoratidzawo mamiriro echokwadi pamusoro pekuzvimirira sezvinoitika kwebazi rematare edzimhosva semashandiro anoitwa paMatare aMudzviti (Magistrates Courts), zvikurusei apo matare awa paanenge achipa ruramisiro yedzimhosva. Kuti tinzwisise zvipomerwa neshoropodzo yekuti matare haana kuzvimirira uye kuti anopingaidzwa nezvematongerwo enyika, panoda kuti panzwisiswewo mamiriro ezvematongerwo enyika.[80] Pamusangano wezvematongerwo enyika munaGunyana 2020, Mutungamiri wenyika Emmerson Mnangagwa vakaudza vatsigiri vavo kuti vaizokumbira South Africa kuti idzoseku Zimbabwe vatsigiri veaimbova mutungamiri wenyika, vaRobert Mugabe, avo vakapotera kunyika iyoyo.[81]

Vebazi revachuchusi vakatora kutyisidzira uku ndokuenda kuSouth Africa ndokunokumbira kudzosva kwe vaimbove gurukota rehurumende vaSaviour Kasukuwere vachinyepera kuti uyu muvengi wezvematongerwo enyika aive akamirira nyaya kumatare, asi akatiza kutongwa kwake kusatikwapera. Nyaya yavo yekutanga yaiva yekushandisa simba rehofisi yavo zvisiri pamutemo apovakatora ivhu zvisiri pamutemo vachipatsanurira hamadzavo.[82]

Nyaya iyi yakazoita kuti vaKasukuwere vanyunyute kuti vakatiza kushungurudzwa, dare rakawana umboo hunoratidza kuti paiva nehwezvero yaibva kune vezvematongerwo enyika ayimakidza kuti mupomerwi amiswe kudare uye awanikwe anemhosva. Mutongi wedare akawonawo zvakare kuti Muchuchisi airatidza kupererwa uye aiva neshungu dzekuti dare

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[80] See Kasukuwere v Mujaya& 3 Others (HH 562-19, HC 11252/18) [2019] ZWHHC 562 (21 August 2019), available at https://zimlii.org/zw/judgment/harare-high-court/2019/562 [accessed 2 January 2021].

[81] Du Plessis, C. (2020), 'Zimbabwe seeks former Mugabe minister Saviour Kasukuwere's extradition to face criminal charges', available at https://www.dailymaverick.co.za/article/2020-10-13-zimbabwe-seeks-former-mugabe-minister-saviour-kasukuweres-extradition-to-face-criminal-charges/ [accessed on 27 November 2020].

[82] See Kasukuwere v Mujaya& 3 Others (HH 562-19, HC 11252/18) [2019] ZWHHC 562 (21 August 2019), available at https://zimlii.org/zw/judgment/harare-high-court/2019/562 [accessed 2 January 2021].

rigarire nyaya iyi uye muchuchusi akavanza imwe zivo yaidiwa nevapikisi. Mutongi akati muwono wedare uyu waive nomunongedzo pachiniro chorusarura nekuzvimirira kwebazi ramatare edzimhosva.

Izvi zvakataridza kuti matare aishandiswa uye akanga asina kuzvimirira oga.

Uku kushayikwa kwekusununguka kwematare kunokanganisa mashandiro akanaka mukurwisa huwori uye kunokonzera kurasika kwemari isingadzoke nekuda kwevanhu vezvematongerwo enyika avo vanopindira munezvematare kuitira kupfidzisa vavengi vavo.

1.3 Chisungo Chechinomwe- Chikamu chebazi reveruzhinji

1.3.1 Tsananguro yechisungo

Chisungo chechinomwe chebumbiro rekurwisa huwori pasi rose chinopagwara kunyika dziri pasi pechibvumirano ichi kuti kuve nemirau irimaererano nokusarudzwa kwevashandi, husesedzwa hwavashandi vebazi reveruzhinji kuti pave nejekeso nekundiso yezvemari zvinoita kuti mirau iyoyi itevedzerwe zvakanaka. Hutariri we mapazi everuzhinji mupfungwa yamazuvano hunosanganisira vashandi vakadzidzira basa, vanhu vanowaniswa mabasa nechinangwa chekuzvisimudzira uye vachiita basa nohumhizha nokuzvipira senzira yokuripira mubayiro wavanogoverwa pabasa. Nokudaro, somurau, vashandi vemapazi ovoruzhinji avo vanebasa rokushandira ruzhinji chete, kureva avo vanopa rubatsiro munharaunda nekumabhizimusi, vane ruremekedzo rwakakosha rwunovatsaura kunevashandi vemakambani akazvimiririra ega. Pane mitemo inoraira patsanuro iyi.

1.3.2 Kuzadzikiswa kwechisungo

Hwaro hwemitemo yekupinza basa kuhaya, kuchengetedza, kubhadhara, kusimudzira, uye kuenda kumudyandigere kwevashandi vehurumende hunotungamirwa neinotevera:

a) Bumbiro reZimbabwe,
b) Public Service Act [Chitsauko 16:04],
c) Public Service Regulations (2000), uye
d) Public Finance Management Act [Chitsauko 22:19].

Masangano akarongwa anosanganisira Komisheni inomiririra zvidiso zvevashandi veHurumende (Public Service Commission (PSC)) uye bhodhi rinorayira pamusoro pezvedzidziso yebasa rinova bazi reTraining Advisory Board (TAB), inova chikamu cheKomisheni.

Iyo Public Service Commission inoona nezvekuumbwa kwezvirongwa nekumisikidza nzira dzekutora nadzo vanhu vebasa, kuchengetedza, kubhadhara, husesedzwa, pamwe nenyaya dzinechekuita nemudyandigere. Kupinza vanhu kumabasa ehurumende kunofanirwa kunge kuenderana nekukodzera kweachapinda basa uye mikana yemabasa inofanirwa kushambadzirwa nenzira yakaeka inowonekera kuti vose varipasi nevanezvinzvimbo zvepamusoro vazviwone.

Pamusoro pezvo, vashandi veHurumende vose vanotora makosi ekudzidzira zvakanangana nezvikamu zvavanoshandira uye zvinosanganisira dzidziso inechekuita nenduramo uye nehuwori. Iyo PSC inoramba ichiongorora nekudzokorora makosi ekudzidzisa kuburikidza nebhodhi yeTAB. Masangano everuzhinji anoverengeka anogara akatenderedza nekuchinjisa vashandi nzvimbo dzokushandira kuitira kuti mhosho dzohuwori dziite shoma. Kune nyaya dzakawanda apo vanhu vanofungidzirwa kuva nehuwori vanochinjwa

kokushandira panekuti vadzingwe muHurumende. Semuenzaniso, mapurisa ayishandira Zimbabwe Republic Police kuMazowe vakachinjwa kwekushandira pamusana penyaya dzehuwori panekuti vangadai vakapuwa zvirango nokudzingwa mubazi reveruzhinji.[83] Zvakare, mushure memazuva okugadzwa somuchuchisi mukuru, vaKumbirai Hodzi vakatora danho rokuranga mumwe mushandi anechinzvimbo chepamusoro uye arigweta mubazi reNational Prosecuting Authority (NPA), sezvo aipumhwa kuvanehudyidzano nehurumende yakahwashurigwa masimba yeaimbova mutungamiri vaRobert Mugabe. Gweta iri raiva mutungamiri wenyaya dzinechekuita nemhosva dzezvehupfumi musangano reNPA uye zvakare raimbove mukuru aiwona nezvemutemo, akaziviswa kuti akanga achinjirwa kunoshandira kuGuruve, nzvimbo iri kudunhu reMashonaland Central. Panga pagara panefungidziro yekuti gweta iri ranga ragara richiteera aimbova mutungamiri vaMugabe uye rakanga radzivisa kushandiswa kwezvematongerwo enyika kuti kumanikidze kupinzwa mberi kwedare makurukota veboka re G-40 – vanova vakarimirana pamuganu nomutungamiri aripo vaEmmerson Mnangagwa.[84]

Pamusoropezvo, kune zvakatarwa pamusoro pekukodzera kana kusakodzera kweavo vanoda kukwikwidza semutungamiri wenyika kana muteedzeri wemutungamiri kana kukwikwidza[85] sevamiriri wedare reparamende.[86]

Pamusoropezvo, mutemo wesarudzo (Electoral Act) [Chapter 2:13][87] unorambidza kukwikwidza kwemunhu anenge akambowanikwa anemhosva inechekuita nekuputsa chirangano, kusavimbika kana mhosva dzemhirizhonga,[88] kana zviito zvirikunze kwemutemo panguva yekukwikwidza[89] kwemapato ezvematongerwo enyika nevakwikwidzi kana vamwewo vanerutivi munyaya dzekwikwidzo, zvichisanganisira imwe mitemo inotsigira nekupa gwara panyaya dzemari dzinotsigira mabasa esarudzo. Mutemo wezvehomwe inotsigira mapato ezvematongerwo enyika (Political Parties (Finance) Act [Chapter 2:11])[90] nemimwe mirau inoutsigira unotendera kugoverwa kwemari kumapato ezvematongerwo enyika kubva kuHurumende, unotsanagurawo rubatsiro rwemari rwunotenderwa nerubatsiro rwemari rwusingatenderwi uye mutemo unokomekedza mapato ezvematongerwo enyika kuti achengete zvinyorwa zvemazita evabatsira uye mabhuku ezvemari anoratidza mari yerubetsero nemari yashanda. Zvirango zvekuripira kuputswa kwemirau iyi zvakadomwa muchikamu (Section) 139 kusvika 141 zvemutemo wekufambiswa kwesarudzo we Electoral Act [Chapter 2:13].

Nepo paine hwaro hwakanaka chaizvo hunoraira nzira dzekutsvaka nadzo vashandi, kuchengetedza, kubhadhara, kusimudzira, uye kupa mudyandigere kuvashandi vehurumende, kuteedzerwa kwazvo kunosangana nematambudziko akatiwandei.

Chekutanga, pane kushushikana kuneveruzhinji panyaya yokuti bato ririkutonga reZimbabwe African National Union – Patriotic Front (ZANU PF) ririkushandisa zvematongerwo enyika

[83] Karowangoro, A. (2020), 'Mazowe ZRP officers transferred over corruption', available at https://zimmorningpost.com/mazowe-zrp-officers-transferred-over-corruption/ [accessed on 27 November 2020].
[84] Machaya, P. (2019), 'Top NPA lawyer Chris Mutangadura ousted over Mugabe', available at https://www.zimlive.com/2019/02/09/top-npa-lawyer-chris-mutangadura-ousted-over-mugabe-links/ [accessed on 27 November 2020].
[85] See Section 91 (1) of the Constitution of Zimbabwe.
[86] See Sections 121 and 129 of the Constitution, and Section 46 of the Electoral Act [Chapter 2:13]).
[87] See https://www.zec.org.zw/final/files/ELECTORAL%20ACT%20CHAPTER%202%2013%20UPDATED%20.pdf.
[88] See Section 46 of the Constitution.
[89] See Sections 134-157 of the Constitution.
[90] See https://zimlii.org/zw/legislation/act/2001/4.

kuwana zvidiso zvaro kuburikidza nekumbunyikidza vashandi vehurumende. [91] Semuenzaniso, musiwa 3 Gunyana 2017, mudzviti wedunhu (District Administrator) reGuruve, anova mushandi wehurumende, akakumbira vashandi varipasi pake kuti vape mari kuMashonaland Central ZANU PF Youth Interface Rally. Zvakare, misangano yevechidiki vebato reZANU PF misangano yezvematongerwo enyika yakarongwa nevashandi vehurumende vachishandisa mari nemidziyo yehurumende uye panguva dzakatarirwa basa rehurumende.[92]

Pamusoro pazvo, nzira dzokutsvaka nadzo vashandi, kunyanya avo vanebasa repamusoro muhurumende hadzina kujeka. Panefungidziro yokuti vose vanopinzwa basa kuburikidza nebazi rinotora vashandi vepamusoro vashandi ivavo vanenge vatumirwa nevanhu vanehudyidzano nezvematongerwo enyika uye mapazi ehurumende anomakidzirwa kugadza Vanyori veMapazi (Permanent Secretaries) iwayo.
Chizivano nderimwe redambudziko rinowanikwa mumakambani ehurumende, akafanana nebazi rinochengeta mari dzemudyandigere dzevashandi vehurumende rinova sangano re National Social Security Authority (NSSA).[93] Ongororo yemumabasa yakaitwa neveIndustrial Psychology Consultants yakasimbisa kupararira kwe dambudziko rechizivano mumabasa. Kubva pachiratidzazvizhinji chevashandi vanosvika mazana manomwe nevapfumbamwe, makumi matatu neshanu vakati chizivano chakatekeshera musangano ravo, 30.1% yakaratidza kuti huwandu hwechizivano huri pakati nepakati, 24.9% yakaratidza kuti chizivano chakaderera uye 13.6% yakaratidza kuti hakuna chizivano.[94]

Pamusoropezvo, maitiro ekutsvaga vashandi vakaita vechidiki, kunyanya vanamukoti nemapurisa, anoitwa nenzira inotungamirwa nevezvematongerwo enyika avo vanogadzira "magwaro emazita" kubva kumatunhu akasiyanasiyana, pasina kukoshesa dzidzo inodiwa nezvimwe zvinodiwa kunge zviine vanhu vanopinzwa mumabasa iwawa.[95]Semuenzaniso, Mutevedzeri weMutungamiriri weZimbabwe VaMohadi vakataura kuti kutorwa kwevanamukoti kunofanirwa kufanana nekwemapurisa nemauto kuti vanhu venzimbo dzose dzemunyika vange vachipinda. Ivo VaMohadi vakati, “Uchaona kuti pese panenge paine chirongwa chekutora vanoshanda muchiuto kana mapurisa, matunhu ose emunyika anenge ane vanhu vanopinzwa kuburikidza nenzira yakatarwa yokuringanisira matunhu (inonzimuchingezi quota system.) Dunhu regarega rinounza vanhu varo. ”[96]Muchokwadi, kutora vanhu vanoshanda mabasa aya kunowanzoguma kwava kungorerekera avo vanotsigira bato reZANU PF.

1.3.3 Zvigozheri

Nzira dzekutsvaka vashandi dzinokangaidzwa nematambudziko anotevera:

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[91]Anti-Corruption Trust of Southern Africa (2017), ‘ZANU-PF abusing and politicizing civil servants in Zimbabwe’, available athttp://kubatana.net/2017/09/15/zanu-pf-abusing-politicizing-civil-servants-zimbabwe/ [accessed on 27 November 2020].
[92] Zimbabwe Human Rights Association (2017), ‘ZANU-PF orders civil servants to fund Mashonaland central rally’, available at http://kubatana.net/2017/09/08/zanu-pf-orders-civil-servants-fund-mash-central-rally/ [accessed on 27 November 2020].
[93] Ndebele, H. (2017), ‘Nepotism rocks NSSA over recruitment process’, available at https://www.theindependent.co.zw/2017/10/27/nepotism-claims-rock-nssa-recruitment-process/ [accessed on 27 November 2020].
[94] IPC Consultants (2017), ‘Nepotism Prevalence intheworkplacesurveyreport’, available at http://ipcconsultants.com/wp-content/uploads/2017/03/Nepotism-in-the-workplace-survey-report.pdf [accessed on 27 November 2020].
[95] NewZimbabwe.com (2018), ‘Police promotions raise stink as favouritism, tribalism is alleged’, available at https://www.newzimbabwe.com/police-promotions-raise-stink-as-favouritism-tribalism-is-alleged/ [accessed on 27 November 2020].
[96]Zimeye (2019), ‘KemboMohadi sides with Matabeleland’, available at https://www.zimeye.net/2019/10/14/kembo-mohadi-sides-with-matabeleland/ [accessed on 27 November 2020].

- ↔ Mikana mizhinji yezvinzvimbo zvepamusoro inowanikwa nemakurukota agara ari muhurongwa uye vanozivikanwa vanehudyidzano nevezvematongerwo enyika. Izvi zvinoreva kuti vanhu vakakodzera asi vasinahudyidzano nevanezvinzvimbo zvepamusoro havawaniswi mabasa.
- ↔ Pamusoropezvo, zvinoratidza kuti pane nyongano yakatikurei maererano nenzira dzekusarudza nadzo vashandi, izvo zvinogona kukonzera kusatsarukana kwehunhu hwevanosarudza vakakodzera kupinda pahusesedzwa hwevashandi pamabasa.
- ↔ Pari zvino bazi rePublic Service rinetsika yokupa mabasa kunhengo dzevarimuchiutouto kuti vavevashandi vehurumende nekugadza vamwe kuvevanyori vakuru mumapazi ehurumende. Vashandi vanoshanda varipasi pemashumiro aya vanongoerekana vava vanoita zvematongerwo enyika kana zvichienderana nezvidiso zvebato ririkutonga, izvi zvinovahuori sezvo vachibhadharwa kubvamuhomwe yehurumende kuti vaite bhizimusi rebato. Semuenzaniso, mauto anosanganisira vachiripabasa, vakasiya basa muchiuto uye vaimbova varwi vehondo yerusununguko kuma1970 vakatanga kusimudzira masimba echiuto nekutora mabasa anositorwa nnavanhuwo zvavo muhurumende. Zvichitevera kubvuta chigaro kwa2017, Rtd General Chiwenga vakaitwa mutevedzeri wemutungamiri wenyika, uye gurukota rezvehutano, muchakabvu Air Chief Perence Marshal Shiri ndivo vaitungamira bazi rezveminda, kurima nekugariswa kwavanhu patsva re Lands, Agriculture and Rural Resettlement Ministry, muchakabvu General Sibusiso Moyo vaitungamira bazi rezvekunze nezvekutengeserana nevekunze rinova bazi re Ministry of Foreign Affairs and International Trade uye Chiremba Air Commodore Jasper Chimedza akagadzwa zvakare semunyori mukuru mubazi rezvehutano.[97]

1.4 Chisungo Chechisere (Article 8) – Mirairo yekuzvibata kwevashandi vebazi reveruzhinji

1.4.1 DudziroYechisungo

Chisungo Chechisere (Article 8) chinokurudzira nyika dziri pasi pechibvumirano chakatengwana kurwisa huori pasi rose kuti dzisimudzire kuvimbika, kubudisa zvinhu pachena, uyekuzvibata pakati pevamakurukota ehurumende mukuchengetedza misimboti yemitemo yayo. Magwaro nezvimiso zvinonongedza nzira dzokuzvibata nadzo zvinoita kuti pave nekuteedzerwa nekufambiswa kwebasa reveruzhinji nomazvo. Chisungo chechisere chinokurudzira nyika dziri pasi pechibvumirano kuti dzidzidzewo mamwe mazano anoyemurika kubva kunemamwe matunhu nekumativi ekunedzimwe nyika uye kubva kumasangano makuru akafanana neboka repasi tenderere rinokurudzira tsika dzakanaka dzokuzvibata kwemakurukota anoshanda mumapazi everuzhinji reInternational Code of Conduct for Public Officials. Pamusoro pezvo, nyika dziri nhengo dzechibvumirano dzinokurudzirwa kuti dziumbe nzira nenhanho dzinotendera kuti kuve nemikana yekureva nokumhang’ara huori huparwa ne makurukota anoshanda mumapazi everuzhinji. Imwe nhano yakakosha inokurudzirwa ne Chisungo Chechisere ndechekuti makurukota ehurumende anorovedzerwa kuti vazivise zviripamutemo zvimwe zvavanobata, mamwe mabasa avanoita, hupfumi hwavakafusha, midziyo yavanayo uye zvipo zvikuru zvavanopihwa kana mibayiro yavanowana izvo zvingakangaidza mafambiro ebasa ravo sevashandi vebazi reveruzhinji.

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[97] Aljazeera (2018), ‘Is Chiwenga on a path to transform Zimbabwe in Sisi’s Egypt’, available at https://www.news24.com/news24/africa/zimbabwe/is-chiwenga-on-a-path-to-transform-zimbabwe-into-sisis-egypt-20180504[accessed on 27 November 2020].

1.4.2 Kuzadzikiswa kwechisungo

Bumbiro romutemo renyika (Constitution of Zimbabwe) rinotsinidzira kuti pasave nemakakatanwa pakati pezvidiso zvirikunze kwebasa ne zvidiso zvakatarirwa mwero webasa. Nhengo dzeParamende dzinosungirwa kuteedzera gwara retsika rekuzvibata nehunhu hwakanaka rinonzi Code of Conduct and Ethics for Members of Parliament nepowo vashandi vanoshandira mamwe mapazi everuzhinji vanosungirwawo kuteedzera kuzvibata nehunhu hwakanaka sezvakatsanangurwa mugwaro re Public Entities Corporate Governance Act [Chitsauko 10:31].[98] Zvisinei, mutemo iwoyu wekurudziro yohunhu hwakanaka hwevashandi vanobata mumapazi everuzhinji haurevi mitongo yakanangana navavo vanopa ruzivo rwenhema. Kundikana kwe vashandi vehurumende nevashandi vekumatare edzimhosva kupa duriro pamusoro pezvingaita makakatanwa nebasa ravo zvinoreva kukundikana kuzvibata zvakanala pabasa. Mitongo yekusazvibata pabasa iripi, asi hainyanyo dzikwa. MuZimbabwe, vashandi vemapazi everuzhinji vavekugara vachi sanganira munyaya dzekuti mabasa avo anopingaidzwa nezvidiso zvavo zvisinei nebasa ravo riripamwero. Semuenzaniso, muna2013, Supa Mandiwanzira, muridzi wekambani yekutepfenyura, akagadzwa semutevedzeri wegurukota rezvekuburitswa kwemashoko nenhepfenyuro, rinovairobazi rinoona nezvekutungamira nekutarisa makambani enhepfenyuro.[99] Izvi zvaireva kuti gurukota rakanga ririkunerimwe divi rakarerekera kuvene vemakambani enhepfenyuro uye kunerimwe divi riri muchengeti weindasitiri yenhau, zvaireva kuti paive nemukana wekushandisa simba zvisizvo, paive nemukana wehuwori uye zvisingapi mukana wakaringana kune vaida kukwikwidza mubasa renhepfenyuro.

MunaKubvumbi 2016, komiti yeDare reParamende inoumba mirau inotungamira kufambiswa kwe basa nenyaya dzedare yeZimbabwe Parliament's Standing Rules and Orders Committee yakatambira gwaro rinodudza hupfumi ne midziyo raive richiri kukwenenzverwa reAsset Declaration Register iro rinotarisirwa kuti nhengo dzeparamende, pamwe nenhengo dzedare remakurukota ehurumende, vazivise midziyo yavo nezvinrorehwa nebumbiro remitemo yenyika pamwe nemitemo irimaererano nemirau yokufambiswa kwebasa muDare reParamende (House's Standing Rules and Orders).[100] Zvinenge zvaziviswa zvinozosanganiswa negwaro rinopa kurudziro yohunhu hwakanaka hwevashandi vanobata mumapazi everuzhinji re Code of Conduct and Ethics for Members of Parliament.[101] Sezvinorehwa ne gwaro rinopa kurudziro rehunhu hwakanaka hwevashandi vemapazi everuzhinji (Code) uye zvichienderana ne gwaro rinodudza hupfumi (Register), zvivakwa zvose zvinofanirwa kurehwa, kuzivisa uku kunofanirwa kudura kero yenzvimbo apo pane mudziyo wakadayi, kuti mudziyo wakatengwa gore ripi, kuti mugove wakaringana zvakadini wechikamu kubva muzana, uye nemazita avavo vangavawo nemugove pamudziyo uyu. Zvinotakurika uye zvichifanirwa kunyoreswa semudziyo zviripamutemo, zvakafanana ne motokari, zvinofanirwa kuziviswawo pamwechete nekutsanangudzo muchidimbu kuti mudziyo iwoyu uripi, kuti wakatengwa gore ripi uye kuti ungava nemutengo wakadini.[102] Imwe midziyo inosimudzika yakafanana nematombo anokosha, zvishongedzo zvinokosha ne mari dzendarama zvine ukoshi hungapfuura mazana makumi maviri neshanu amadhora ekuAmerika (USD15 000) zvinofanirwa kuziviswa pachena pamwechete nemimwe midziyo inosimudzika inehukoshi hunopfuura gumi rezana nemazana mashanu emadhora ekuAmerica (USD15 000) zvichisanganisira zvivakwa zvinogona kunge zvakachinjwa vene

[98] See Sects. 34 and 37 of the Public Entities Corporate Governance Act [Chapter 10:31].
[99] Guma, L. (2011), 'Zimbabwe: Debate in parliament exposes broadcasting authority', available at https://allafrica.com/stories/201112150186.html [accessed on 27 November 2020].
[100] Gumbo, L. (2016), 'MPs to declare assets', available at https://www.herald.co.zw/mps-to-declare-assets/ [accessed on 25 December 2020].
[101] See http://www.veritaszim.net/sites/veritas_d/files/Code%20of%20Conduct%20and%20Ethics%20for%20Members%20of%20Parliament.pdf.
[102] Ibid, see Part I of Annex 1.

mukati memwedzi gumi nemiviri yapfuura. [103] Pamusoropazvo, mari dzirikubhangi, mari dzakafushwa, kana dzimwe pfimbi dzehupfumi, kana zvikwereti chero misiyidzanwa inehukoshi hunopfuura mazana makumi maviri neshanu emadora ekuAmerika (USD25 000) zvose izvi zvinofanirwa kuziviswa kuti zvijeke pamwechete [104] Chikamu Chechishanu (Part V) che Annex 1 mugwaro rinodudza hupfumi ne midziyo zvichiringaniswa navene reAssets Declaration Register rinopa kuti chero zvipo, kana mikana inopuwa pachena kana mikana yekurerutsirwa inopuwa munhu, masangano, makambani, mapazi akazvimirira, makambani enyika kana masangano everuzhinji ekunze kwenyika zvineukoshi hunodarika mazana mana nechidimbu chamadhora ekuamerika (US$4 500), zvinofanirwa kuziviswa, pachinyorwa kwazvabva neruvandudzo rwazvingaunza. Imhaka uye kumhura dare reParamende kuti mushandi weveruzhinji adome zvisizvo kana kupazivo isina kukwana.[105]

Kazhinjikenguva, huwandu hwemidziyo yevashandi vehurumende kunozozivikanwa chete kana vachinge varambana zvisina kurongeka kana apo vanozvirova dundundu nezvekupfuma kwavo. Muna 2010, nyika yakashamisika apo mudzimai waVa Ignatius Chombo, gurukota rezvematunhu, nekusimudzira maguta, vakati ivonemurume wavo vane dzimba dzinosvika zana nenzvimbo dzekuvaka mabhizimusi muZimbabwe, makambani gumi nemaviri, mahekita 3000 epurazi, motokari gumi neshanu, midziyo yakasiyanasiyana munyika yeSouth Africa, uyemigodhi, mapurazi nenzvimbo dzekuchengetedza mhukam uZimbabwe.[106]Chombo haana kuwana mari yakawanda mumakore ekunana1980, apo vasati vabata hofisi yeruzhinji, uyu unova muenzaniso wakanaka wekuti vashandi vehurumende muZimbabwe varikushandisa sei kushaikwa kwemitemo yekuzivisa midziyo yavanayo zvinobva zvaita kuti vaise ruwoko muhomwe yenyika vachibira veruzhinji pasina zvavanoitwa.

Mumwe mukurumukuru aivamuhurumende, VaObert Mpofu, vakawana zvisinganzwisisiki zviuru nezviuru zvemahekita evhu muZimbabwe, vakatenga bhanga nemadhora anodarika makumi maviri emamiriyoni emadhora ekuAmerica (US$20 million), nezvivakwa zvakawanda pavaivegurukota rezvemigodhi. [107] Zvinonzi panguva yaaive pachigaro, pakapambwa zviwanikwa zvakanyanya, kunyanya muchikamu chemangoda. Mushure mekubviswa pachigaro, akagamuchira mari yakawanda zvisina tsananguro, [108]kusanganisira kuvharwa kwebhangi raakange atenga, zvichitungamira kuvepo kwemibvunzo yakawanda maererano nekutsarukana kwehupfumihwake. Nekudaro, pakange pasina mukana wekugadzirisa mhosho idzi sezvopakange pasina zvinyorwa zviripamutemo zvinoratidza nokuzivisa huwandu hwehupfumi hwake.

Iyi inotevera mimwe mienzaniso yezvimiso nemirau inonongedza zvido zvevashandi zvinopingaidza basa:

- Mitemo pamusoro pekugadzwa nenguva yekugara pabasa kweMuchuchisiMukuru (PG), anova mukuru weNational Prosecuting Authority (NPA), inowanikwa pasipe Chikamu (Section) 259 cheBumbiro reZimbabwe (Constitution of Zimbabwe). Mutemo

[103] Ibid, see Part IV of Annex 1.
[104] Ibid, see Part IV of Annex 1.
[105] Ibid, see Annexes 1 and 2.
[106] Nehanda Radio (2010), 'Messy divorce exposes Minister Chombo's mega riches', available at https://nehandaradio.com/2010/11/05/messy-divorce-exposes-minister-chombo%E2%80%99s-mega-riches/[accessed on 27 November 2020].
[107] Cross, E. (2011), 'The greed and corruption of Obert Mpofuhttps', available at https://www.politicsweb.co.za/opinion/the-greed-and-corruption-of-obert-mpofu [accessed on 27 November 2020].
[108] Ibid.

weNational Prosecuting Authority Act [Chitsauko 7:20] neNational Prosecuting Authority (Code of Ethics) Regulations (2015) inowedzera kupa nzira dzinoruramisa kupinzwa kwevanhu pamabasa, nzira dzekutsiudza, mirau yebasa, uye nzira dzekuzvibata nadzo kwevashandi vebazi revachuchisi.

↔ Vachuchisi vanofanirwa kuzvibvisa kana kuzvirumura pane dzimwe nyaya kana paine chikonzero kana kuzivisa vamwe vari munyaya izvo zvikonzero nemhakayei zvisina kukodzera kuti muchuchisi abate nyaya iyoyo.

↔ Zvikamu 106 na196 zvebumbiro remutemo wenyika yeZimbabwe zvinokurudzira kutendeka, kuvimbika, uye kucherechedza basa pakatipevashandivehurumende.

↔ Mimwe mitemo, yakaita sePublic Entities Corporate Governance Act uye Zimbabwe Anti-Corruption Commission Act, inosimudzirawo hunhu hwakanaka kuzvikwata zvakasiyana zvevakuru vehurumende.

↔ Uyezvakare, Mutemo weCriminal (Codification and Reform) Act Mutemo unopa mhosva pakuvanzwa kwechiitiko chebasa kana kuvanzwa kwechidiso chakanangana nomushandi kuchivanzirwa mwene webasa / maneja.

↔ Kusarudzwa pamwe nekubvisw akwevatongi kunotemwa nebumbiro remutemo reZimbabwe pamwe nemutemo weJudicial Service Act [Chitsauko 7:18]. Kugadzwa nekusiya basa kwevatongi kunotungamirirwa neBumbiro reMitemo (Constitution of Zimbabwe) uye nemutemo wezvekufambiswa kwemabasa mumatare we Judicial Service Act [Chapter 7:18]. Komisheni ye Judicial Service Commission ndiyo inehutariri hwemirau yekupinza mabasa, kutsiura, nekuraira nzira dzekushanda nadzo sezvakatarwa mumirau yekubatwa kwebasa bazi rezvematare we Judicial Service Regulations. Pane gwaro rine mirau inotara nzira dzekuzvibata nadzo kwevashandi vemumatare edzi mhosva, gwaro re Judicial Service (Code of Ethics) Regulations.

1.4.3 Zvigozhero

Kunyangwe hwaro hwemutemo ne urongwau hwekudzivirira huori zvichiyevedza, richiyevedza, pane mhingaidzo dzakawanda:

↔ Hapana tsanagudzo yakajeka inopa ruzivo rwakakwana pamusoro pemhosva dziri maererano nezvido zvevashandi zvinopingaidza basa uye hakuna kuumbwa nzira dzakajeka dzekumhang'ara zvipingaidzo zvakaita sezvizvi kuvakuru vebasa kana mhikisano dzakadai dzaitika.

↔ Hapana gwaro rinotungamira nzira dzekuzvibata nadzo dzevashandi veruzhinji, nepohazvo pane runyerekupe rwokuti gwaro iri richirikubikwa. Nyaya iyi yakadenhurwa nevakaenda mberi kwe dare panyaya Kasukuwere achipikisana naMujaya navamwe (Kasukuwere vs Mujaya Ors), apo dare rakabvumirana nazvo kuti chokwadi gwaro rinonongedza tsika dzakanaka dzevashandi veruzhinji haripo. Chiripo Chikamu (Section) 174 che mutemo Criminal Law (Codification & Reform) Act, uyo unoumba mhaka dziri maererano nekushandisa simba rebase zvirikunze kwemutemo (Criminal Abuse of Office). Daka raKasukuwere achipikisana naMujaya navamwe (*Kasukuwerere vs.MujayaOrs*HC 11252/18) rinobudisa pachena mukaha iwowu.[109]

↔ Zvikamu 34 ne37 zvemutemo wePublic Entities Corporate Governance Act [Chitsauko 10:31] hazvisimbise zvirango zvakanangana nezvekuparuzivo rwenhema.

↔ Iko hakuna hwaro hwakakwana hwepamutemo uye hwehutungamiriri hunofambisa kutaurwa kwezviito zvehuori munzvimbo dzeveruzhinji.

[109] See https://zimlii.org/zw/judgment/harare-high-court/2019/562.

- ↔ Vashandi vezvehutano vanotenderwa kuita mabasa avo zvinopikisana nebasa ravo rirpamwero. Semuenzaniso, vanogona kuvhura zvipatara zvavo zvirimumazita avo nezvitoro zvinotengesa mishonga sezvinongopuwawo nemabasa avo ari pamwero sevashandi vehurumende.

1.5 Chisungo Chechipfumbamwe (Article 9) – Kutengwa kwezvinhu uye kuchengetedzwa kwemari dzeveruzhinji

1.5.1 Tsananguro yeChisungo

Chisungo Chepfumbamwe (Article 9) chinosungira nyika dziri pasi pebumbiro rekudzivirira huori kuti dzive nemirau inodzivirira huori pakutengwa kwembatya kana midziyo, uye kuti patorwe matanho anowedzera jekeso uye kuvimbika munyaya dzekuchengetedzwa nekushandiswa kwemari dzeveruzhinji.
Zvinogona kunzi chisungo ichi chakaurungana uye chipfupi. Pakutanga chinobudisa nzira dzinova misimboti inofanirwa kutungamira nekuteedzerwa navavo vanobatikana pabasa rekutenga mbatya yeveruzhinji. Saizvozvo, misimboti mitatu inotaurwa ndeinoti:

- Kuita zvinhu nenzira yakajeka
- Kukwikwidzana; uye
- Tsarukano pakusarudzwa kweavo vanoda kuwana mikana yekutengesa, zvinoreva kusava nerusarura muhurongwa hwesarudzo.

Bumbiro rekurwisa huori rinoburitsa pachena matanho anofanirwa kutorwa pakuchengetedza izvo zvinova misimboti, uye pamwepo, kuti pave nehunyanzi pakudzivirirwa kwehuori munyaya dzekutengwa kwembatya veruzhinji. Kuti pave nekunyatsoronda nekuzadzikiswa kwezvidiso zveChisungo chepfumbamwe (Article 9), dare guru repasi rose re United Nations rinoenderera mberi nekuparura nhungamidzo yehurongwa hwekudzivirira huori in nyaya dzekutengwa kwembatya dzeveruzhinji uye nekuchengetedzwa nekushandiswa kwakanaka kwemari yeveruzhinji.[110]

Izvo zvakakoshawo kwazvo kuti Chinyorwa 9 chechirongwa chiburitse danho rese rekutenga kubva pakuongorora kukosha kwekutenga, kuburikidza nekuronga, kusarudzwa kwevanoronga, kugadzirwa kwesungano pakupedzisira- izvi zvinogona kupedza huwori. Zvakakosha apa kuwona kuti mitemo yekutengwa kwezvinhu zveveruzhinji kune mitemo isinakupfava, izvi ndozvazviriwo mu mutemo weMasedhonia.[111]

Nekudaro, chimwe nechimwe chezvikamu zvitatu mukuzadzikiswa kupiwa kwemakambani basa rekutengesa zviripachena zvakakosha mukudzivirira huwori, sezvo huwori hunowanzovepo musure mekupihwa basa.

1.5.2 Kuzadzikiswa kweChisungo

Nzira yekushandisa mutemo zvakadzama. Kutengwa kwezvinhu zveveruzhinji kunowanzo dzamiswa mubumbiro remutemore Zimbabwe nemumutemo wePublic Procurement and Disposal of Public Assets Act [Chapter 22:23][112] newe Public Procurement and Disposal of Assets (General) Regulations (2018).[113] Chikamu 195 chebumbiro chinoti "*makambani nemamwe mabhizimisi* […] *anofanira kudzika mashandiro akajeka, aripachena nenzira dzekukwikwidza mukutengesa"*. Bazi hombe muneizvi ndere Procurement Regulatory

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[110] See https://www.unodc.org/documents/treaties/UNCAC/Publications/TechnicalGuide/09-84395_Ebook.pdf.
[111] Ibid.
[112] See https://zimlii.org/zw/legislation/act/2017/5.
[113] See http://veritaszim.net/sites/veritas_d/files/SI-5-2018ed.pdf.

Authority of Zimbabwe (PRAZ), rakagadzwa nemutemo. PRAZ basarayo ndere kuita zvinotevera:

- Kutarisa nyaya dzekutengeserana,
- Kuwongorora kutevedzva kwemutemo,
- Kupamazano kumapazi anoda kutenga zviro,
- Kupamirairo nekuchengeta mazita emapazi.[114]

Kumisikidzwa kweProcurement Management Unit (PMU) inotungamirwa nemubati wemari chinhu chakanakira cherobazi zvaro, sekutsanangurwa kwazvinoitwa muChikamu 10 chePublic Finance Management Act. Pamusoro pezvo, makomiti anoongorora zvinhu zvinotengwa anofanira kuiswakuitira kuti awongorore zvinhu zvemari dzakadarika idzo dzinotaurwa muChikamu 10 (2) chemutemo wePublic Procurement and Disposal of Public Assets Act [Chapter 22:23][115].

Kukwikwidzana kwemakambani anenge achida kutengesa zvinhu kubazi reveruzhinji kuripakati pemisimboti inokosha inoshandiswa, kunze kwezviitiko zvakanyorwa muChikamu 30 chemutemo. Mitemo yakadzama uye maitirwo ekukwikwidzana uku, nguva dzacho, zvinenge zviri mugwaro rekukwikwidzana, nekuongororwa kwezvinhu izvozvi kunotsanangurwa muZvikamu 36-56 zveMutemo uye Zvikamu 18-34 zvemirau.

Zviga zviri muchikamu chekutanga chezvinotarisirwa zvinoburitsa pachena kukakatana kuripo pakupa basa kuvanhu vanowona nezvechirongwa chekukwidzana kwemakambani. Vanowona nezve basa iri vanodzingwa basa vakaita huwori nekusavimbika.

Bazi re Zimbabwe Anti-Corruption Commission rinotarisa nekuenzanisa nzira dzinoshandiswa pakutenga zvinhu

Sezvineiwo, hofisi yaAuditor General inogona kuzonyatso penengura kufambiswa kwemari.

Pamusoro pezvo, zvinoenderana neSection 305 yebumbiro remitemo reZimbabwe uye Chikamu 28 chePublic Finance Management Act, zvikumbiro zvebhajeti yenyika zvinofanirwa kuendeswa kuParamende yeZimbabwe kuti zvitariswe nekutambirwa. Pamusoro pezvo, makurukota ese ehurumende nemasangano akaparurwa nemitemo uye nesimba rebumbiro remitemo anofanirwa kuendesa zvirevo zvemwedzi nemwedzi, zvepakupera pemwedzi mina, zvepakati pegore nezvepakuperakwaro, kuhofisi yaAuditor General nekuParamende.

Chikamu 41 cheMutemo chinosungira kuti bazi regarega rinofanira kuvene munhu anehunyanzvi hwezvekuchengetedzwa kwemari. Zvakare, iyo PSC inogona kudoma ma Auditor emukati memapazi ehurumende kuti vaongorore chero chikamu chehurumende.

Hofisiya Auditor General inoita woongororo dzekunze. Mutemo weNational Archives unopa zvakare nhungamidzo pakuchengeta, kuchengetedza, uye kurasa zvinyorwa zvehurumende. Asi kunyepa kana kurasa magwaro nekuda kuviga huwori imhosva inogona kuita kuti munhu arangwe.

[114] See Sections. 5–7, Constitution of Zimbabwe.
[115] See https://zimlii.org/zw/legislation/act/2017/5.

1.5.3 Zvigozheri

Kunyangwe paine mitemo inoita seyakaomarara, kutenga zvinhu zveruzhinji kunonetsa nokuda kwematambudziko akatiwandei, kunyanya nezve huori mukupihwa kwemikana yekutengesera mapazi everuzhinji (tender). Unotevera muenzaniso wakanaka:

Musi wa12 Chikumi 2020, gurukota rezvehutano reZimbabwe, VaObadiah Moyo, vakasungwa, vachipomerwa mhosva yekushandisa hutongi zvisiripa mutemo. VaMoyo nevatungamiriri vepamusoro kubva kukambani yehurumende yeNational Pharmaceutical Company (Nat Pharm) vanonzi vakatora makambani asiri pagwaro rekutenga kuti vape mishonga inodhura mamirioni emadhora panguva yechimbichimbi yeCOVID-19. Imwe yekambani idzi, Drax International, yaingova nemavhiki maviri chete yaparurwa paya kabhadharwa US$2 mamirioni emadhora kubhangi remunyika yeHungary, zvichikonzera kuongororwa kweInternational. Kubhadhara kwacho kwaive chikamu chezvibvumirano zvakakosha US $ 60 mamirioni akasaina nekambani, pasina ruzhinji.[116]

Chikamu 195 chebumbiro remitemo chinopakuti "makambani uyemamwe mabhizimusi {…} anofanirwa kutanga nzira dzekutenga zvinhu dzakajeka, dzakashama uye dzino kwikwidza". Mubairo wezvibvumirano zveDrax neNat Pharm, chinzvimbo chehurumende, waive usina kuvhurika, kujekesa, kana kukwikwidza. Chikamu che308 cheBumbiro chinopakuti "munhu wese anoona nezvekushandiswa kwemari yeruzhinji anebasa rekuchengetedza mari uye kuona kuti dzinoshandiswa chete pazvinangwa zvinotenderwa zviri pamutemo uye nemari dzakabvumidzwa zviri pamutemo". Pamusoro pezvo, inoti "munhu wese anochengeta kana kudzora zvivakwa zveruzhinji ane basa rekuona kuti harirasiki, hariparadzwe, harinakukuvara, harishandiswi kana kushandiswa zvisirizvo". Paive nekuwandisa kwemitengo yezvinhu zvinopihwa neDrax. Gurukota rezvehutano rakabvuma izvi, ndosaka vakataura kuti Drax yakanga yabvuma kudzikisa mutengo wechibvumirano. Izvi zvaingove mushure mekumanikidzwa neruzhinji kubva kune vezvenhau vaive vabudisa nyaya iyi.[117]

Ndima yemakumi matatu neimwe yemutemo urimaererano nokutengwa kwemidziyo inoshandiswa mumapazi ehurumende (Section 31 ye Public Procurement Act [Chapter 22:14] inokurudzira kuti kana Hurumende iriiyo irikutenga midziyo, inofanirwa kushambadzira shuviro yayo nekukoka makambani anotengesa mugwaronhau reHurumende reGazette. Kana isiri hurumende irikutenga, mutemo unokurudzira kuti shuviro yekudakutenga ishambadzirwe mumapepanhau emunharaunda uye mumagwaronhau emasangano enyanzvi dzemabasa kana mumapepanhau anotenderera kunze kwenyika. Munyaya inobata kambani yeDrax, veruzhinji havana kuwaniswa mukana wekunzvera kufambiswa kwebasa rekutengwa kwemidziyo izvi zvinopikisana nezvimiso zviri mumutemo. Chikamu chemakumi matatu nena (Section 34) chemutemo uyu chinonotaura maererano nekukodzera kwemakambani anotengesa, Mutemo unokurudzira kuti makurukota emakambani awa anofanirwa kunge asina kumbobatwa nemhosva kana kunenyika ipizvayo pagumi ramakore apfuura. Zvino mumiririri weDrax muZimbabwe inharadada akatombopihwa mitongo uye anedzimwe mhaka dzichiri mumatare edzimhosva. Izvi zvingadai zvakapeputsa makurukota ekambani inotenga mishonga yeNat Pharm pakusakodzera kwekambani yeDrax kuti isapuwa mukana wokutengesera hurumende mbatya nemishonga.

[116]Mathuthu, M. (2020), ‘Zimbabwe arrests health minister in Covid-19 procurement scandal’, available at https://www.zimlive.com/2020/06/19/zimbabwe-arrests-health-minister-in-covid-19-procurement-scandal/[accessed on 27 November 2020].
[117]Ibid.

Chikamu chechina cheStatutory Instrument 171 che 2002 Procurement Regulations[118] chine chekuita nekutenga zvinhu izvo zvinoda kuti zviongororwe neState Procurement Board uye zvinopachinzvimbo kukambani irikutenga kana inodakupihwa zvinhu, mabasa ekuvaka kana mabasa anodarika kukosha kweUS $ 500 000, masangano anotenga zvinhu achakoka matenda. Nyaya yeDrax yaisanganisira chibvumirano cheUS $ 60 miriyoni, iripamusoro pechikumbaridzo apo zvinosungirwa kuti vatende rive pamutemo vakokwa. Ichokwadi kuti chibvumirano chakatyorwa ichi chinoratidza kukura kwehuori munzvimbo yehutano. Pamusoro pezvo, chokwadi chekuti Mutungamiriri weNyika akachenesa chibvumirano ichi nekuita basa rekusaina zvinoratidza kukurak wakaita huori pamasimba epamusoro sezvo vanakomana veMutungamiri chaivo vaibatanidzwa muchibvumirano chakaipa ichi.[119]

Muna Chikumi na Chikunguru 2020, vakuruve National Pharmaceutical Company (Nat Pharm), kusanganisira nhengo dzebhodhi, vakasungwan eZimbabwe Anti-Corruption Commission (ZACC) vachipomerwa mhosva yekushandisa hofisi zvisirizvo. Muna Chikumi, vatatu vaimbove vakuru vakuru veNat Pharm vakauya mudare vachipomerwa mhosva yekubvumidza Drax International LLC kuendesa mishonga kuhurumende pasina kutevedzera nzira dzekutenga. Vatatu ava vaimbove vakuru veNat Pham kubva ipapo vakamira pamberi peHarare Magistrates 'Courts vachipomerwa mhosva yekushandisa hofisi zvisiri pamutemo.[120]

Dambudziko guru kuZimbabwe nderekuti nyika haisati yaunza nzira yechizvinozvino yekukoka vanhu kuzopa bhizimusi, kupa zvibvumirano uye rumwe ruzivo rwakakodzera. Ruzivo rwakadai harufanirwe kungove pamhepo, asi runofanira kuwanika nyore. Pane zvinhu zvinotengwa neruzhinji zvinofanirwa kuburitswa uye zviitwe zvakasununguka padandemutande repa mhepo mune yakavhurika dhatafomati, zvinoenderana ne Open Contracting Data Standards, inovandiyo tsika yepasi rose. Mapuratifomu epamhepo anoderedza kusangana kwevanhu, izvo zvinowanzoita vane huori

1.6 Chisungo Chegumi (Articl 10) – Kuzivisa pachena

1.6.1 Dudziro ye Chisungo

Chisungo 10 cheConferensi chinoda kuti mapato ehurumende atore matanho akakodzera ekuwedzera kujeka nekuvhurwa kwehutungamiriri. Chibvumirano ichi chinoratidza kuti hurumende yegayega inofanirwa kuwana mitemo yayoinowanisa vagary ruzivo nezvemusangano uye maitiro ekuita sarudzo dzehutongi hwevanhu, pamwe neruzivo nezvenjodzi dzehuori munzvimbo yehutongi hweveruzhinji.

1.6.2 Kuteedzerwa kwe Chisungo

Pasi pe Section 62 yeMutemo wenyika, chizvarwa chemuZimbabwe chese kana mugari anogara zvachose anekodzero yekuwana chero ruzivo rwakachengetwa nevakuru vehurumende maererano neruzivo rwakatarirwa kujekesa zvido zveveruzhinji. Nekudaro, hapana mutemo unopa simba kune iyi kodzero.

Dambudziko guru rave rekushandisa nemaune vanhu vakadai semapurisa kunyaradza vatori venhau vanotaura nezvehuori. Mapurisa eZimbabwe Republic Police akasunga mutapi wenhau anemukurumbira uye mugadziri wemafirimu, Hopewell Chin'ono muna2020

[118] See https://www.law.co.zw/download/procurement-regulations-2002/.

[119] Newzimbabwe.com (2020), 'Zimbabwe: Mnangagwa links to Drax international emerge, president begged for $60m from dodgy firm', available at https://allafrica.com/stories/202006160462.html[accessed on 27 November 2020].

[120]Madzianike, N. (2020), 'NatPharm bosses arrested, appear in court', available at https://www.herald.co.zw/natpharm-bosses-arrested-appear-in-court/[accessed on 27 November 2020].

pamusoro pezvaakafumura pahuori hwehurumende. Mutori wenhau akatanga kuvharirwa mushure mekumhan'ara mhosva dzinosanganisira makondirakiti anosvika mamirioni makumi matanhatu emadhora ekuAmerica akapihwa makambani nemitengo yakakwidzwa yezvinhu zveCOVID-19, zvinosanganisira Personal Protective Equipment, nebazi rezvehutano zvinofungidzirwa kuti zvinosanganisira vakuru vakuru muhurumende. Gurukota rezvehutano reZimbabwe rakazodzingwa basa nekuda kwekuita huori uhu.[121] Muna Gunyana 2020, mushure mekupedza mazuva makumi mana nemashanu ari musungwa achipomerwa mhosva yekukonzera mhirizhonga yeruzhinji, Chin'ono akaburitswa mutirongo.

Hurumende yangaichiedza kunyararidza vatori venhau saChin'ono, vanotaura nezvehuwori hwepamusoro nekuvasunga, nekumisikidza kuvarambidza kuenda padandemutande, kugadzisira bhiri remhosva remishina yemazuvaano, uye nekudzinga vatapi venhau nevanofumura huori.[122] Sangano reSouthern Africa Litigation Center (SALC) rakashora kusungwa kwaVaChin'ono, richiti rinotyora bumbiro remitemo reZimbabwe. Kusungwa kwake kuri kutyora mitemo yakawanda yepasi rose, kusanganisira Universal Declaration of Human Rights, Chisungo (Article) 19 chechibvumirano chekodzero dzekugarisana nedze zvematongerwo enyika cheInternational Covenant on Civil and Political Rights, Chisungo (Article) 9 chekodzero dzavanhu nendudzi muAfrica cheAfrican Charter on Human and Peoples Rights neAfrican Union. Chiziviso chemisimboti parusununguko rwekutaura muAfrica.[123]

Chimwe chipingamupinyi mutemo weCyber Security bill uyo uchadzikisira rusununguko rwevatapi venhau mukuzivisa huwori.[124] Muna Kukadzi 2019, zvichitevera kubvumidzwa kwekubviswa kwemutemo weAccess to Information and Protection of Privacy Act (AIPPA)[125]nevakuru vehurumende, dziviriro yemashoko yaive imwe yemabhiri akataurwa kugadzirisa nyaya dzekuchengetedzwa kwemashoko uye nyaya dzepachivande mukuenderana neBumbiro. Mutemo mutsva uyu wakamirira kumiswa unokarira kubatanidza nyay mbiri: kudzivirirwa kwezivo inofambiswa nemasaisai (cybersecurity) uye kuchengetedzwa kwezivo inofambiswa nemichina yamakomputa (data protection).[126] Chikamu 164 chinoti: "Chero munhu anoita zvisiri pamutemo nemishina yemazuva ano kana anoita kuti zviwanikwe, kufambisa, kutepfenyura kana kuendesa mashoko kune chero munhu, boka revanhu kana kuruzhinji aine chinangwa chekukurudzira vanhu vakadaro kuita mhirizhonga. Kumunhu chero upizvake kana vanhu kana kukuvadza chero chinhu chipizvacho achave aine mhosva uye achabhadhariswa mari isingasvike padanho regumi kana kuiswa mujeri kwenguva isingapfuuri makore mashanu kana kubhadhariswa mari yakadaro uye kuiswa mujeri kwakadaro. " Zvigadziriso zvakaita seizvi

[121] Amnesty International (2020), 'Zimbabwe: Authorities continue their crackdown on dissent with arrest of investigative journalist and activist', available athttps://www.amnesty.org/en/latest/news/2020/07/Zimbabwe-authorities-continue-their-crackdown-on-dissent-with-arrest-of-investigative-journalist-and-activist/[accessed on 27 November 2020]; See also President and Fellows of Harvard College (2020), 'What Hopewell Chin'ono's Arrest Says about the Free Press in Zimbabwe', available at https://niemanreports.org/articles/what-hopewell-chinonos-arrest-says-about-the-free-press-in-zimbabwe/ [accessed on 12 November 2020].

[122] See Committee to Protect Journalists (2020), 'Journalists attacked in Zimbabwe since 1992', available at https://cpj.org/africa/zimbabwe/[accessed on 27 November 2020].

[123] SALC (2020), 'Statement condemning the re-arrest of Hopewell Chin'no', available at https://www.southernafricalitigationcentre.org/2020/11/04/statement-condemning-the-re-arrest-of-hopewell-chinono/ [accessed on 28 November 2020].

[124] See http://veritaszim.net/sites/veritas_d/files/Cyber%20Security%20and%20Data%20Protection%20Bill.pdf.

[125] Ncube, X. (2019), 'Cabinet approves AIPPA repeal', available athttps://www.newsday.co.zw/2019/02/cabinet-approves-aippa-repeal/[accessed on 28 November 2020].

[126] Applied Law & Technology (2020), 'Zimbabwe gazettes Cyber Security and Data Protection Bill', available at https://altadvisory.africa/2020/05/20/zimbabwe-gazettes-cyber-security-and-data-protection-bill/ [accessed on 28 November 2020].

zviripanjodzi yekuvimbwanazvo kudzivirira hutongo hunovaka, hwakakosha mukusimudzira kuvepachena nekuzvidavirira, kunyanya kubva kuhurumende. Naizvozvo kune njodzi yekuti zvigaizvi zvishandiswe mune zvematongerwo enyika nemaitiro ekudzivirira kutaura kwemaonero anopokana. Izvi zvinokwanisa kudzora kubatanidzwa kwevagari uye gakava riri pachena, zvese zviri zvinhu zvakakosha zvekusimudzira kusununguka.[127]

Vatungamiri vakaendza kutseketudza kuti vasininidze urongwa huneudzvinyiriri mumutemo uchiri kumiswa, uyo hurongwa hunotendera kushandiswa kwehusori hwepamusoro hunodongorera kunyorwa kwendevo nezvidimbu zvamavara pamichina yemakomputa ("keystroke logger"), izvo zvinotendera kuwanikwa kwemashoko kubva nechekure uye kuwongorora nekuchengeta mashoko uye kutonongora mabasa emichina yemakomputa. Hazvizivikanwepasipemamiriroezvinhumaturusiekuongororaaigonakushandiswa kana kutiHurumendeyaizopamvumoyekuongororakwakadaro sei.[128] Keystroke loggers inzira ine njodzi yakaipisisa zvikuru nokuti inotyora kodzero yekuremekedzwa kwekuzvimiririra, nokuti inotendera vasori vezvechiuto kuti vave nemukana wekusenerera kuwana mashoko anofambiswa nedzinhare nenzira dzisina kutsarukana, izvo zvinopuwa nebazi rebazi rekufambiswa kwemashoko nenhare pasi pemutemo unotendera kudimbukidzwa kwemashoko (Interception of Communications Act). Hapana hurongwa hunokarira kujeswa kwebasa iri kana kuva nehutariri hunochenjerera avo vangashandisa zvisizvo hunyanzvi hwezivo yemichina uye mutemo uchiri kumiswa uyu hauna hurongwa hwekuchengetedza avo vanomahang'ara nyaya dzehuori apo pavano pesvedzerwa kuti imhesva.

Kunyangwe hazvo zvirongwa zve hurumende zvekufambiswa kwemashoko nemichina zvakaunzwa, sengeZimConnect portal,[129] iyo inzira inotambura nekusashanda zvakanaka kazhinji. Uye zvakare, haasi ese masangano eruzhinji akaburitsa ruzivo uye mishumo yebasa ravo uye kuita kwavo padandemutande uye nepamwe pakasiyanasiyana.

Mubazi rezvehutano, semuenzaniso, mikana yekuvapo kwehuori yakanyanya zvikuru seapo pasina kuringana kwezivo, zvinosanganisira, pakati pevanobatsira kuwanisa hutano nemurwere, uye pakati pehurumende, masanganoakazvimirira nevanofanirwa kubatsirwa. Mikaha iyi inowedzerwa nokushaikwa kwezivo dzekodzero dzavanhu muhurongwa hwezvehutano sezvo kushaikwa kwezivo kunogona kuvabwitiro rinoshandiswa munyaya dzehuori. Pamusoropezvo, varwere vari parumananzombe nokuda kwekusaringaniswa kwezivo mubazi rezve hutano, apo vanachiremba vane ruzivo rwakanyanya pamusoro perubatsiro rwavanopa kudarika avo vanowaniswa rubatsiro urwu. Tsvakurudzo yakaitwa nesangano re Transparency International (TI-Z) kubva muna 2020 pakutariswa kwe mikana yehuori munezvehutano (Corruption Risk Assessment in the Health Sector)[130] yakabudisa kuti chikamu makumi matatu nezviviri kubva muzana (32%) yavanhu vakapindura mibvunzo yakadura kuti vakabokumbirwa kuti iteedzere zvimwe zvinhu zvisina nebetsero kwavari, uyewo chikamu gumi nemumwe kubva muzana (11%) chakadura kuti chakambo rapwazvisizvo navana chiremba. Zvinofadza ndezvokuti ruzivo rwakaunganidzwa pakabvunzurudzwa vaipa pfungwa dzavo (TIZ'sKey Informant Interviews) vakataridza kuti vane ruzivo rwokuti kune nzira dzekumhang'ara nyaya dzehuori nedzimwe mhosho mubazi

[127] Ibid.
[128] Mahomed, F. (2020), 'Creeping clampdown on dissent: Beware Zimbabwe's cybersecurity bill', available at https://www.dailymaverick.co.za/article/2020-09-24-creeping-clampdown-on-dissent-beware-zimbabwes-cybersecurity-bill/ [accessed on 28 November 2020].
[129] See https://zimeservices.pfms.gov.zw/irj/portal/anonymous.
[130] Transparency International- Zimbabwe (2020), 'Corruption risk Assessment in Management & Distribution of Social Protection Initiatives & Humanitarian Aid in Zimbabwe', available at https://www.tizim.org/2020/03/corruption-risks-in-the-management-and-distribution-of-social-protection-initiative-and-humanitarian-aid-in-zimbabwe/ [accessed on 28 November 2020].

rezvehutano, asi chinonetsa ndechekuti vane mikana mishoma yekuteedzera nyaya idzi kuti dzisvike kumagumo adzo.

1.6.3 Maitiro akanaka

Musi wa8 Gunyana 2020, ZACC yakaparura chirongwa chekufumura huwori kuburikidza nekushandisa masaisai nedzinhare.[131]Kunyangwe zvazvo ichirikuyedzwa, zvinobuda senzira yakanaka yekutevedzera.

1.6.4 Zvigozheri

Hurumende inoshingairira kunyararidza avo vanotaura nezvehuori vachishandisa manho anosanganisira kuvasunga uye nekuganhura kufambiswa kwemashoko nembozhanhare.

1.7 Chisungo Chegumi nerimwe (Article 11) – Matanho anechekuita nezveVatongi vedzimhosva neVachuchisi

1.7.1 Dudziro yeChisungo

Chinyorwa 11 chinonyatso ratidza kudikanwa kwekuvimbika kwevatongi nekusimbisa matanho muutongi mukubvisa huwori. Chibvumirano chinoratidza kuti zvakakosha kuchengetedza kusununguka kwevatongi uye kugadziranzira dzinozosimbisa musimboti wekuvimbika kwevatongi. Zvese izvi zvakanangana nekubvisa mukana wekupa chiokomuhomwe kuvatongi. Munongedzo uyu unopa nhungamidzo yekuti nyika dzinogona kudzika mirau kuburikidza nekumisa hwaro hwemitemo uye nekutsigira mitemo iyi nemirairo yakafanana nemagwaro anonongedza tsika dzakanaka dzekuzvibata kwevashandi vezveruzhinji nezvimwewo. Bumbiro rekurwisa huori rinokoshesa matanho iwaya zvikuru, nokuti rinopamhidzira nekupa gwara rekuti nyika dzinogona kutsigirazve muwono uyu nekuumba mapazi anongomirira kuva vatariri vehurongwa uhu.

1.7.2 Kuteedzerwa kweChisungo

Bumbiro reMitemo yenyika yeZimbabwe rinonongedza kuti vashandi vemumatare edzimhosva vanofanirwa kunge vakazvimiririra. Pakurova dedenemukanwa, bumbiroiri rinoti "Matare akazvimiririra uye aripasi peBumbiro reitemo nehwaro hwemutemo, izvo zvavnofanirwa kushandisa vasinakurerekera rimwe divi, nekukasika uye vasingatyi, kana kutsigira rimwe divi, kana rusarura". Kuitira kuti vashandi vezvematare vagere vakazvimiririra, vanofanirwa kusatungamirirwa nepfungwa dzekuzadzikisa zvidiso zvedivi rimwe. Chikamu (Section) 165 cheBumbiro reMitemo chinonongedza misimboti inotungamira vashandi vezvematare edzimhosva. Chikamu (Section) 165 chinopa misimboti iyi uye chinokohomedza nhengo dzevashandi vezveMatare edzvimhosva kuti varemekedze nokupa rukudzo kuhofisi yavo uye vashingairire kukwidziridza chimiro chekuzvimiririra kuitira kuti voruzhinji vagoyemura mashandiro avo. Pamusoropezvo, pane gwaro rinonongedza tsika dzekuzvibata zvakanaka kwevashandi vematare edzomhosva reJudicial Service (Code of Ethics) Regulations, 2012.[132]

Chikamu chechina che Code chinoti "Wese mutongi anosungirwa, kusimudzira, kuchengetedza nekusimudzira hunhu hunotevera hunobata kuhofisi yekutonga, sezviri kutsanangurwa muchikamu chino

- ↔ Kusununguka kwenhengo uyekwebazi rematare edzimhosva; uye kuvimbika; uye hunhu,

[131] Popovich, A. (2020), 'Zimbabwe Anti-Corruption Commission creates whistleblowing app', available at https://whistleblowersblog.org/2020/09/articles/global-whistleblowers/zimbabwe-anti-corruption-commission-creates-whistleblowing-app/ [accessed on 28 November 2020].
[132]http://www.archive.kubatana.net/html/archive/legisl/120220judreg.asp?sector=LEGAL&year=0&range_start=1.

- ↔ Kutaridzika kwekukodzera; uyekuenzana, ndikokuti, kubatwa zvakaenzana kwevose pamberi pematare;
- ↔ *kusarerekera divi, kwete mukure mekedza mitongo bedzi asiwo nekuremekedza hurongwa uhwo hunotungamira kubuditswa kwemitongo*
- ↔ humhare uye kushandanesimba.

Bazi reJudicial Service Commission (JSC) rakatara munongedzo wetsika dzakanaka unosanganisira kururamisira, kusvikirika, unyanzvi uye kuzvimiririra. Bumbiro reMitemo rinepfungwa dzetarisiro rokuti kungava nekumbunyikidzwa kwenhengo dzevematare, nokudaro Chikamu 165(4) chinorambidza vashandi vemumatare edzimhosva kuti vapinde munyaya dzezvematongerwo enyika; kutora zvinzvimbo kana kuvanhengo dzemapato ezve matongerwo enyika; kana kupemhera kana kubetsera mapato ezvematongerwo enyika; kana kupinda misangano yezvematongerwo enyika.

Chikamu (Section) 198 yeBumbiro reMitemo (Constitution of Zimbabwe) chinosungira kuti pamiswe mutemo unotungamira nyaya dzekuziviswa pachena midziyo yevashandi vezveruzhinji uye nekuumba magwaro anonongedza tsika dzekuzvibata pabasa zvinofanirwa kuteedzerwa nevashandi veruzhinji. Chikamu ichi chinokurudzirazve kuti pave nehurongwa hunomisa muenzaniso unotenderwa wekutungamirwa kwakanaka kwemabhizimisi unofanirwa kucherechedzwa nemapazi ehurumende uye nemamwe makambani ehurumende.

1.7.3 Zvigozheri

Chikamu cheBumbiro reMitemo chinezvisungo zvarehwa pashure hachisati chamiswa, sezvo pasati pava nedanho rekuzivisa midziyo. Uyezve, pachine matambudziko akatikuti mubazi revashandi vekumatare. Pane fungidziro yokuti vatariri vezvematongerwo enyika vakatsveterwa. Vatariri vezvematongerwo enyika vanosanganisira vanhu vanezvinzvimbo zvinovatendera kuva vayananisi mumakakatanwa anganyuka munezvematongerwo enyika kana avo vanotarira kuchengetedzwa kwemitemo neunyararo. Nhengo dzebazi rematare edzimhosva dzinopomerwa kuva dzakatsveterwa navanhu vanezvinangwa zvekuzadzikisa zvido zvavo uye panekumbunyikidzwa kwemasangano anotungamira muhurongwa hwekufambiswa kwesarudzo. Muzvirokwazvo, panemuono wekuti panekukangaidzwa kwekuzvimiririra kwenhengo dzineutariri munyaya dzezve matongerwo enyika.[133]

Panguva iyi nyika yeZimbabwe yakatora matanho okutora nokugova ivhu patsva, kuburikidza nechirongwa cheHondo yeMinda cheFast Track Land Reform Programme (FTLRP).[134] Imwe shanduko huru yakaitika ndeyekuti Vatongi veMatare edzimhosva vakawanawo chouviri pasi pechirongwa che Farm Mechanisation Scheme. Menzaniso wakakosha maererano nekugoverwa muripo weVatongi ndewekuti miripo yavoyebasa inofanirwa kubva kuhomwe yehurumende ye Consolidated Revenue Fund, kureva homwe yeveruzhinji, kwete kubva kuneimwe homwe yakazvimiririra kana dzimwe homwe dzinohwerengedzwa kubva kunehumwe hupfumi hweveruzhinji, izvi zvinokanganisa kuzvimiririra kwe nhengo dzinoshandira mumatare kana dzikava nerutivi muhurongwa hwakadai.[135] Semuenzaniso, muchakabvu aive Mutongi Mukuru weMatare (Chief Justice) Godfrey Chidyausiki akava iye nhungamiri kunemakurukota ekumatare pakutsigira chirongwa chekugovera ivhu patsva akapuwa midziyo yezvekurima inokosha US$381946 yemadhora ekuAmerika. Akashayika

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[133] Magaisa, A. (2020), 'BSR Exclusive: Beneficiaries of the RBZ Farm Mechanisation Scheme', available at https://www.bigsr.co.uk/single-post/2020/07/18/BSR-EXCLUSIVE-Beneficiaries-of-the-RBZ-Farm-Mechanisation-Scheme [accessed on 28 November 2020].

[134] Ibid.

[135] Ibid.

mugore ra2017 chikwereti chake chisati chabhadharwa. Dzimwe nhengo dzemumatare edzimhosva dzakawanda zvinosanganisira vakuru vanaMudzviti, Vatongi uye Vatongi veDare Redzimhosva Repamusorosoro navowo vakawaniswa zvikwereti zviripakati pemadhora US$33695 kusvika madhora US$107848 zvikwereti zvinova zvisati zvabhadharwa. [136] Zvinotevera mienzaniso yenyaya dzinobuditsa kusatsarukana kwekuzvimiririra kwevashandi vematare edzimhosva:

- ↔ Vaimbova mutongi kudare guru, VaBenjamin Paradza vakasungwa vakabatwa nemhosva yehuori. Zvisinei, International Committee of Jurists (ICJ) yakaratidza kuti vaishungurudzwa nekuti vaive ne "nhoroondo yekutonga kusingafadzi vakuru venyika." ICJ yakanyora tsamba kuhurumende eZimbabwe ichitsutsumwa nenyaya iyi izvi zvaitaridza kuti mutongi uyu akangaarangwanechikonzerochekuitabasa rake nemazvo.[137]
- ↔ Nyaya inobatanidza vaimbova mutongi Michael Majuru inotaridza kupindira kwezvematongerwo enyika pabasa revatongi muZimbabwe. Yakafumurwa nemutongi uyu ku African Commission on Human and Peoples' Rights. Mutongi Majuru akataura kuti vaimbova gurukota rezvemitemo, nenyaya dzeParamende, VaPatrick Chinamasa, vakadaidza mushandi aive pasi pavo, aive woMutongi kuE Administrative Court, kuhofisi yake kuti vape mirayiridzo pamusoro penyaya inobatanidza imba yemapepa nhau inonzi ANZ, iyo yaishoropodza hurumende zvikuru. ANZ nehurumende vakambobatanidzwa mumatare. Musimboti wekurairwa kubva kunaVaChinamasa kuenda kune waishanda naMajuru kwaive kushandisa masimba zvisina kukodzera panaMajuru, kuitira kuti aite mutongo wakanakira hurumende. Izvi zvakaenzana nekupindirwa kwekutongwa nemutangamiri, izvo zvakatyora pfungwa yekusununguka kwematare. Mutongi Majuru vakadaidzwawo naEnoch Kamushinda, anofungidzirwa kuve nhengo yeCentral Intelligence Office (CIO), rinova bazi rekuchengetedzwa kweHurumende, kumusangano kumahofisi eKamushinda musi wa 22 Gumiguru 2003. Ruzivo urwu rwakatumirwa kuburikidza nemumwe mushandi weCIO rwaive rwekuti mumhan'ari munyaya yeANZ aifanira kurasa nyaya. Semubairo wekuramba chikumbiro cheANZ, Kamushinda akavimbisa mutongi Majuru purazi rakakwenenzverwa zvizere mudunhure Mashonaland West.[138]
- ↔ Musi wa2 Gunyana 2020, magweta mazhinji mumakamuri avo akapfeka nguo dzawodze basa, dzakaratidzira kunze kweHigh Court, vachida kuti hurumende nematare varemekedze Bumbiro remitemo reZimbabwe. Magweta aya akati matare akarambidza vamwe vasungwa kubhadhara mari yechibatiso uye zvainge zvakanganisa magweta aishanda kudzivirira vasungwa vakaita saChin'ono. Kune fungidziro iri kuwedzera yekupindira kwezvematongerwo enyika munzira yaifambiswa nayo nyaya dzaChin'ono na Ngarivhume nematare, zvichiratidza kuti matare akapindwa nezvematongerwo enyika uye achishandira zvido zveve matongerwo enyika vachisiya bumbiro remitemo. [139] Ngarivhume inyanzvi yezvematongerwo enyika akatambudzwawo nekuda kwekuti angaatora matanho ekurwisa huwori muZimbabwe.
- ↔ Musi wa29 Ndira 2019, Haru Mutasa, mutori wenhau anoshandira Aljazeera News Media, akataura kuti magweta eZimbabwe akaratidzira, achitsutsumwa kuti vezvematongerwo enyika vainge vavakutora mativi panyaya yevaratidziri vakange

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[136] Ibid.

[137] International Commission of Jurists (2003), 'High Court judge arrested in Zimbabwe', available at https://www.icj.org/high-court-judge-arrested-in-zimbabwe/[accessed on 28 November 2020].

[138] See https://africanlii.org/afu/judgment/african-commission-human-and-peoples-rights/2008/95.

[139]Chigumadzi, P. (2020), 'In Zimbabwe, two political prisoners are a symbol of a repressive state', available at https://www.washingtonpost.com/opinions/2020/08/18/zimbabwe-two-political-prisoners-are-symbol-repressive-state/[accessed on 28 November 2020].

vasungwa. Magweta aya anotya kupindira kwebato ririkutonga pamwe nemauto ekuchengetedza nyika munyaya dzevaratidzirl mumatare. Zvinyorwa zvavaiva vakasimudza zvakazvidza, pakati pezvimwe, zvipomerwa zvakakomba, sekupambiwa kwematare nevakuru vakuruv enyika.[140]

↔ Kunze kwezviitiko zvakawanda zvekuti nhengo dzematare dzakabatanidzwa muhuwori, vakapindawo mumadutu ezvematongerwo enyika akaita seRBZ Farm Mechanisation Scandal yakafumurwa naAlex Magaisa, umo nhengo dzebhenjid zakakwereta asi dzikasabhadhara zvikwereti.[141] Iyo 1995/9 VIP Housing Scandal yakabatanidza vamwe vatongi zvakare.[142]

1.8 Chisungo Chegumi nembiri (Article 12) – Chikamu Chemapazi akazvimirira

1.8.1 Tsananguro yeChisungo

Chisungo Chegumi nembiri (Article 12) cheBumbiro rakatendegwana rekurwisa huori pasi rose (United Nations Convention against Corruption) chinehwaro hunopa nhungamidzo pamusoro pematanho anofanirwa kutorwa mukuderedza uye nekuparadza huori mumapazi akazvimiririra. Chisungo ichi chinonongedza kuti pave nemitemo inoruramisa izvi padanho rezvehupfumi kuburikidza nekuteedzera nzira dzekujekesa nekuongororwa kwekushandiswa kwedzimari, uye kunyatsotsanangura mitongo inotemerwa avo vanokundikana kuteedzera mitemo iyi. Bumbiro reUNCAC rinokurudzira kuti mapazi ehurumende ayo anesimba rekurwisa huori ave nehudyidzano nemabhizimusi anotsigira kuteedzerwa kwemitemo yekurwisa huori. Panokurudzirwa zve kuti pave nenzira nemiyenzaniso yakanaka, magwaro ekuzvibata kwakanaka kwevashandi anokurudzira kuvimbika kwemabasa emapazi akazvimiririra nehudyidzano hwemabhizimusi nehurumende nemabasa ehunyanzvi anodzivirira zvipingaidzo zvepamabasa, kukurudzira zvimiso zvekudzivirira mikana yehuori, kushingayirira kuteedzerwa kwezviga zvemitemo, kusimbisa hudyidzano hwemasangano nevekunze, kututsiridza hukama nemapazi akazvimiririra uye kuwedzera simba rekuti bazi iri rishande zvineudzamu pakurwisa huori.
Chisungo Chegumi nembiri (Article 12) chinotaurawo pamusoro pekuti panofanirwa kuva netsanangudzo inojekesa nekutara nguva inotenderwa kuti aimbova mushandi wehurumende apinde basa mumapazi akazvimiririra mushure mekunge asiya basa muhurumende kuburikidza nekuenda pamudyandigere kana kuzvisiyira, zvikuru pakatariswa mabasa anezvinzvimbo zvingaenderane nekubata kana kuvapachinhanho chehutariri hungaringane nebasa raiitwa nemunhu achirimuhurumende.

Panzira dzinokarirwa neBumbiro reUNCAC dzekurwisa huori, Chisungo Chegumi nembiri chinokokohomedza kuti masangano ehurumende atore matanho anotsigirwa nemitemo yenyika inosungira kuchengetwa kwemagwaro anorondedzera kushandiswa kwemari. Zvakakoshera pakutevedza chinangwa chekupa jekeso pamusoro peongororo yekuti mari dzakashandasei kuitira kuti pasave nezvimwe zviitiko kana kushandiswa kwemari zvirikunze kwemwero zvinokonzera kuva nedzimwe homwe dzezvemari dzakavanzika, uye kudzivirira kuvepo kwehundyire, kusadomwa zvakanaka kwemari yasevenza uye kushandiswa kwemagwaro enhema zvichisanganisira kuparadzwa kwemagwaro ezvemari nobwoni nguva yakatarwa isati yasvika. Nyika dziri nhengo kuBumbiro rekurwisa huori (reUNCAC) dzinofanirwa kudzivisa kuwanikwa kwetuso rinobva kumitero iro rinobukira nokuda kwehudyidzano nevashandi vehurumende vane mikana yekuderedzerwa ndyiko, izvo zvinova mhaka

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[140] Mutasa, H. (2019), 'Zimbabwe lawyers demand independent judiciary to try protesters', available at https://www.aljazeera.com/videos/2019/1/29/zimbabwe-lawyers-demand-independent-judiciary-to-try-protesters[accessed on 28 November 2020].
[141]See Magaisa, A. (2020), 'BSR Exclusive: Beneficiaries of the RBZ farm mechanisation scheme'.
[142] See https://en.wikipedia.org/wiki/Corruption_in_Zimbabwe [accessed on 1 January 2021].

dzinodziviswa neChisungo Chegumi neshanu (Article 15) uye neChisungo Chegumi nenhanhatu (Article 16) cheBumbiro rekurwisa huori reUNCAC.

1.8.2 Kuzadzikisa Chisungo

Zimbabwe yakatora matanho ekudzivirira huwori mumapazi akazvimirira seaya:

- ↔ Mutemo unoraira hutariri hwakanaka wemakambani averuzhinji (Public Entities Corporate Governance Act) unoumba gwaro rinonongedza tsika dzakanaka dzekuzvibata nadzo mumabasa, [143] iro rinopa kurudziro yetsika dzekuzvibata mumakambani akazvimiririra nekumabhizimusi ose kusanganisira mumasangano everuzhinji.
- ↔ Sangano reZimbabwe Anti-Corruption Commission rinehutariri pamusoro pezviito, mitoo nenzira dzinotorwa nemakambani akazvimiririra nemakambani everuzhinji mukudzivirira huori.
- ↔ Bazi reCompanies Registry rinonyoresa zviripamutemo makambani nemasangano sezvinotemerwa nemutemo we Companies and Other Business Entities Act uye rinochengeta magwaro anemazita emakambani akanyoreswa zviripamutemo. Dura remazita emakambani akanyoreswa kuti ashande zviri pamutemo richiri kushandisa kuchengeta zivo pamapepa, asi panehurongwa hwekuti dura ramazita iri rivandudzwe kuti rishandise michina yamazuvano. Imhaka kupa ruzivo rwenhema pakunyoresa kambani.Chitsauko Chechina (Chapter 4) chegwaro rinonongedza tsika dzakanaka dzekuzvibata nadzo mumabasa chinokurudzira kuti pave nenzira dzakatsanangurika dzekuteedzera kana pane zvinga kanganisa kutungamirwa kwemakambani akazvimiririra. Vatariri (Board) vemakambani vanofanirwa kubatsirwa nevanoita nezveongororo yekushandiswa kwemari kusanganisira kunzvera kana panemikana yekubiridzira, huori, kusavimbika kana dzimwewo mhosho.Zvikamu (Sections) 255-260 dzegwaro rinonongedza tsika dzakanaka dzekuzvibata nadzo mumabasa dzinosungira kuti pave mikana inoshandiswa nenharirire dzinoda kubuditsa pachena nyaya dzehuori nenzira yakazvimiririra, inovimbika uye nenzira inovanza mumhang'ari wenyaya yehuori. Romborakaipa nderekuti makambani ndiwo anechitsvambe chekumisa mirau iri maererano nenharirire dzinomhang'ara huori. Sezvisinei, kunyangwe hazvo chero mamwe makambani akamisa mirau iyi, dzimwe nzira dzacho dzinenge dzisina kunyatso simba, nokudaro, makambani mashoma anechido chekuumba nzira dzinonyatso chengetedza avo vanomhang'ra huori.Mutemo unotungamira kushanda kwemakambani uneminongedzo iri maererano nekuti pave nenhoroondo uye kuongororwa kwemashandisirwo emari mumakambani ose nemasangano akanyoreswa zviri pamutemo muZimbabwe. Zvikamu (Sections) 140-155 zvinopa muenzaniso wechimiro chemagwaro ezvemari, mairiro emishumo yevaongorori uye zvikamu izvi zvinotara kodzero dzevaongorori kuti vawaniswe mikana yekuona mabhuku ezvekushandiswa kwemari. Vaongorori nenyanzvi dzekuchengetwa kwemagwaro ezvemari vanosungirwa kuremekedza zviyero zvirimaererano nokuparurwa kwemishumo yezvekushandiswa kwemari zve International Financial Reporting Standards, sezvinonongedzwa nebazi rinehutariri pamusoro pemashandiro anoita nyanzvi dzezvekuchengetwa kwemabhuku ezvemari dzeruzhinji nemashandiro anoita nyanzvi dzekuongorora kuti mari dzakashandiswa zviri pamwero (bazi re Public Accountants and Auditors Board).Mirau iri maererano nenhoroondo yezvekushandiswa kwemari nebasa revachengeti vemari inowanikwa mumitemo inosanganisira Public Accountants ne Auditors Act uyezve Chartered Accountants Act.Nyika yeZimbabwe inemutemo mutsva unotungamira kushanda

[143] See http://www.veritaszim.net/sites/veritas_d/files/PUBLIC%20ENTITIES%20CORPORATE%20GOVERNANCE %20ACT _0.pdf.

nekunyoreswa kwemakambani nemamwe mabhizimusi uyo wakamiswa mugore ra 2019.[144] Zvimwe zvakashandurwa pamutemo wekushanda nekunyoreswa kwemakambani zvinosanganisira kuumbwa kwegwaro rinochengeta mumakomuputa mazita emakambani akanyoreswa kushanda zviri pamutemo, kuumbwa kwebazi rinowongorora nekuona kuteedzerwa kwezvimiso zvemutemo uyu, nzira dzinojekesa mwenechiro uye kuva nenzira inotendera kugaro vandudzwa nekuwedzerwa kwemazita emakambani akanyoreswa kuti ashande zviripamutemo. Zvisinei, pachine kunzunzutira pakuteedzera mutemo uye sezvo makambani mazhinji ehurumende achirikushandisa tsika yekunyora pamapepa zve haasati atanga kushandisa michina yechizvino zvino.

↔ Chimiso Chepfumbamwe chepasi rose chirimaererano nokuparurwa kwemishumo yezvekushandiswa kwemari che International Financial Reporting Standard 9[145] chinorambidza kushandiswa kwehunyanzvi hwevanochengetedza magwaro ezvemari mumabasa ekupara mhosva dzehuori. Kuvanza, kuparadza, kureva nhema, uye kunyora zvisakatendeseka mumabkuku ekambani panechinangwa chekubiridzira kana kunyengera imhosva zvekare. Munyaya yaRobin Vela achipikisana neAuditor General uye neBDO Zimbabwe Chartered Accountants, iyo yakapinda mudare, Dare Guru redzimhosva reHigh Court rakapa mutongo wekutsveta parutivi kupenengurwa kweongororo yekushandiswa kwemari mubazi re National Social Security Authority (NSSA) panguva kubva 1 January 2015 kusvika February 2018, kupenengurwa kwaive kwaitwa nekambani ye BDO Chartered Accountants avo vaive vakamiririra bazi raAuditor General wemuZimbabwe.[146]

Sezvisinei, mutemo wezvemutero nekuteresa wemuZimbabwe unorambidza kuti mari inowanikwa nenzira dzehuori ideredze mari inofanirwa kubvisirwa mutero.[147]

Muenzaniso wehuori wezvichangoitika mubazi remasangano akazvimiriria muZimbabwe kuumbwa kwenzvimbo dzakatsaurirwa kurapa vakuruvakuru (VIP) vanenge vabatwa nenhundumuture yechirwere cheCovid-19.[148] Ongororo ichangobva kuitwa nesangano reTransparency International (TIZ) mugore ra2020 vachitarisa hudzamu hwehuori mubazi rezvehutano (Corruption Risk Assessment in Health Sector)yakaburitsa pachena kuti pane hurongwa hwakavanzika hwakazvimiririra hunorarama mubazi reveruzhinji izvo zvinokangaidza kuwanikwa kwenzira dzinobatsira veruzhinji kuti vawane kurapwa kana kubatsirika panezvehutano. Semuenzaniso, ongororo yakaitwa ichitarisa mushandirapamwe pakati pemapazi everuzhinji nemasangano akazvimiririra munyaya dzvezvehutano (Public-Private Partnership) pachipatara cheChitungwiza yakaburitsa kuti amwe masangano akazvimiririra kusanganisira vanoongorora varwere nemichina inotora mapikicha (radiographers), vanotengesa mishonga (pharmacists) uye navana chiremba vanonzi vanoshandisa midziyo yechipatara zvirikunze kwemutemo vachirapa varwere vavo.[149]

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[144] Ibid.
[145] See https://www.ifrs.org/issued-standards/list-of-standards/ifrs-9-financial-instruments/.
[146] See https://zimlii.org/zw/judgment/files/harare-high-court/2020/405/2020-zwhhc-405.pdf.
[147] See https://zimlii.org/zw/legislation/act/1967/5.
[148] Karombo, T. (2020), 'Outrage over coronavirus hospitals for 'political elite' in Zimbabwe', available at https://www.zimlive.com/2020/03/26/outrage-over-coronavirus-hospitals-for-the-political-elite-in-zimbabwe/[accessed on 28 November 2020].
[149] Transparency International Zimbabwe (2020), 'Corruption Risk Assessment in Management and distribution of Social protection Initiatives and Humanitarian Aid in Zimbabwe', available at https://www.facebook.com/tizimbabwe/posts/tiz-undertook-a-corruption-risk-assessment-in-management-and-distribution-of-soc/3080670225277490/ [accessed on 28 December 2020].

Umwe muenzaniso hwekuchechetera kwehuori uri muindasitiri yekugadzirwa kwemishonga yekurapa. Ongororo yesangano rakazvimiririra re TIZ inoratidza kuti vehurumende avo vanocherechedza kuteedzerwa kwemitemo havana hanya kunyangwe vachiona makambani akazvimiririra achiita tsika dzehuori. Semuenzaniso, nekuda kwekushomeka kwemishonga yekurapa varwere, makambani anogadzira nekutengesa mishonga kusanganisira nevanhuwo zvavo, vanotora mishonga kunze kwenyika zvirikunze kwemutemo votengesa mishonga iyi nemutengo uri pamusorosoro izvo zvinogozhera vakaromboka kuti vane rubatsiro panyaya dzezvehutrano.[150]

1.9 Chisungo Chegumi nenhatu (Article 13) – Kutora rupandi kweveruzhinji

1.9.1 Dudziroye Chisungo

Chisungo Chegumi nenhatu chechibvumirano chekurwisa huori (UNCAC) chinoremekedza rutivi runotorwa nemasangano everuzhinji munyaya dzekurwisa huori. Chisungo ichi chinokomekedza nyika dziri pasi pechibvumirano ichi kuti dzikurudzire kuti vanhu nemapoka akasiyana, nemasangano everuzhinji kuti atore nerupandi mukubatsira kuzivisa nekushambadzira nyaya dziri maererano nehuori. Pamusoro pekucherechedzwa kwemasangano everuzhinji sezviri muChisungo chegumi nenhatu (Article 13), panezvakare Chisungo Chemakumi matanhatu netatu (Article 63), icho chinokurudzira kuwanikwa kwemikana inotendera kuti veruzhinji vave nerupandi mukufambiswa kwenyaya dzinechekuita nekuzadzikiswa kwebumbiro rekurwisa huori mupasi rose (reUNCAC).
Masangano akazvimiririra anogona kupinda mumisangano inowunganidza nyika dzakabvuma kuva pasi pechibvumirano chekurwisa huori, musangano weConference of the States Parties to the UNCAC (COSP). Mapoka akapuwa mvumo yekuva nhengo dzinotenderwa kutaura mumisangano yedare repasi rose rinoongorora kuzadzikiswa kwekodzero dzezvohugari hwakanaka (reUN Economic and Social Council (ECOSOC)) anogona nyorenyore kukumbira kuti vapuwe mikana yekuteerera bedzi nhurirano dzezvinoitika mumisangano. Masangano asina kupuwa chiremera chekupinda mumisangano yedare reECOSOC anogona kukumbira kupinda mumisangano yenyika dziripasi pechibvumirano kuburikidza nekunyorera chikumbiro ichi chero hazvo nzira yekuwaniswa mvumo iyi yakagozha. Masangano anomiririra veruzhinji anogonawo kupa chikumbiro kuboka reCOSP nekubazi rinehutariri pamusoro pekuzadzikiswa kwezvisungo zvebumbiro rinova bazi reUNCAC Implementation Review Group (IRG). Mikumbiro iyi inoitwa nemazwi mashoma inozovawo mamwe emagwaro akakosha emusangano wenyika dziri pasi pechibvumirano.

Panguva yakatarirwa nhaurirano, vamiririri vemasangano akazvimiririra oga vaya vasina kupuwa ruremekedzo rwokutaura vanogona kupuwa mukana wokutaura kamwechete mushure mekunge vose vatauri vanobva kunyika dziri pasi pechibvumirano uye mushure mokunge vose vamiririri vemasangano emapazi ehurumende epasi rose apedza kutaurawo. Masangano everuzhinji anogona kuronga zvimwe zviitiko zvakafanana nemisangano, kupa miono kana nhaurirano pamisoro yenyaya dzinoenderana nebumbiro rekurwisa huori, asi izvi zvinoitwa kunze kwenhanga nyaya yemusangano uye zvichitsigirwa neimwe nyika. Masangano everuzhinji anogonawo kuronga misangano pamwechete nevamiririri vehurumende. Vanogona kupira zvabuda mumusangano wenyika dziri pasi pechibvumirano weCOSP uye nekuronga nhaurirano pamusoro penzira dzingashandiswe kudzivirira huori munyika dzavo.

Mubatanidzwa we UNCAC (UNCAC Coalition)

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[150] Ibid.

Mukuedza kuvandudza huwandu hwemasangano everuzhinji pamisangano epasi rose, mubatanidzwa weUNCAC Coalition unovaiwo mubatanidzwa wemapoka anodarika mazana matatu nemakumi mashanu anobva kunyika dzinosvika zana, mubatanidzwa unokurudzira kutsira, kuteedzera namazvo uye kucherechedza kuremekedzwa kwezvisungo zvechibvumirano cheUNCAC.

Mubatanidzwa weUNCAC Coalition wakaumbwa munaNyamavhuvhu mugore ra2006 uye rinokokorodza masangano everuzhinji kuti ave nerupandi kubva padanho repasi rose, mumatunhu kusvika mudanho remunyika. Mubatanidzwa uyu unoumba sungawirirano pazviito zvinotsigira chibvumirano, kubatsira kukoverana zivo pakati penhengo uye kutsigira mabasa ekurudziro munyika dzakasiyana.

1.9.2 Kuzadzikiswa kweChisungo

Masangano everuzhinji akazvimiririra oga arimo munyika kuburikidza nemapoka akanyoresa pasi pemutemo wePrivate Voluntary Organizations Act, zvichisanganisawo awo mapoka evanhu vanosunga wirirano pachinangwa chimwe anova mapoka anonyoreswa pasipemutemo unoumbwa pachitevedzerwa tsika nemiono yematare unova mutemo weCommon Law Trust. Masangano anezvinangwa zvekudzivirira huori anosanganisira Transparency International Zimbabwe (TI-Z) uye Anti-Corruption Trust of Southern Africa (ACT-SA). Zvisinei, mashandiro emasangano aya ane zvibinge zvakawanda zvinovhiringidza.

Hurumende inogaro manikidza mashandiro emasangano everuzhinji nevatapi venhau kuti vasashande zvakanaka.[151] Kutora rupandi rweveruzhinji mukuumba hwaro nemirau yekudzivirira huori kwakashomeka. Semuenzaniso, hurumende haina kupa sangano reACT-SA mukana wekupa pfungwa dzaro pamusoro pekuumbwa kwegwaro rinonongedza hwaro nenzira dzekurwisa huori munyika rinova gwaro re National Anti-Corruption Strategy and Action Plan 2020-2025. Nepo masangangangano akazvimiririra oga emuZimbabwe achiwana rubatsiro rwemari kubva kunze kwenyika, masangano aya anotsoropodzwa kuti zvimbwasungata zvevaimbova vadzvanyiriri venyika yeZimbabwe.

Nepo nyika dziri pasi pechibvumirano dzichisungirwa kuti dzikurudzire kutora rupandi kwevanhu nemapoka asiri mugungano everuzhinji, munyika yeZimbabwe, mune nyaya dzakatikuti apo vanhuwo zvavo nemapoka vanombunyikidzwa. Inotevera mienzaniso inoburitsa pachena nyaya dzakadai:

- ↔ Hopewell Chin’ono, mutori wenhau anemukurumbira pakuferefeta, akasungwa, akachengetedzwa, uye akapihwa mhosva mushure mekufumura huori hwakakonzera kusungwa nekudzingwa basa kwegurukota rezvehutano VaObadiah Moyo. Chin'ono aive abatanidzirawo mhuri yemutungamiri wenyika munyaya yehundyire maererano nekutengwa kwemidziyo yechirwere cheCovid-19 apo Drax International, kambani yanga ichangobva kuumbwa, yakapihwa basa rekutengesera nyika midziyo yekudzivirira chirwere chedzihwa mupengo cheCovid-19 apo yakabhadharwa mamiriyoni makumi matanhatu emadhora ekuAmerica.[152]
- ↔ Mumazuva ekugadzirira kuratidzira kwakaitwa musi wa31 Chikunguru 2020 uye munguva yakazotevera, mapurisa eZimbabwe akasunga varwiri vekodzero vepamusoro, kusanganisira mutori wenhau anemukurumbira pasi rose uye akahwina mubairo Hopewell Chin'ono, umwe wezvematongerwo enyika aitungamira ratidziro iyi Jacob Ngarivhume, munyori wemabhuku akakwikwidza pamubairo wa2020 weBooker

[151] Reporters Without Borders (2019), ‘Page not yet turned on Mugabe era’, available at https://rsf.org/en/zimbabwe [accessed on 3 February 2021].
[152] See Mduduzi, M. (2020), ‘Zimbabwe arrests health minister in Covid-19 procurement scandal’.

Prize, Tsitsi Dangarembga uye mutauriri weMDC Alliance, Muzvare Fadzayi Mahere avo vakaratidzira mushure mekubiwa kwemari yezve COVID-19. [153] Vazhinji vemasangano anopikisa hurumende vakasungwa vamwe vakaita mukuhwanda apo vaitsvagwa vachida kusungirwa kuratidzira ikoku. Vamwe vakaiswa mutirongo vamwe vakahwanda kubva pakadanidzirwa kuratidzira vachirwisa huwori husingaperi, kunyanya kunyunyuta kwakanangana nekusagutsikana nemhinduro yehurumende pamusoro pekusatsarukana kwekupiwa mikana yekutengesear nyika midziyo yekudzivirira chirwere cheCOVID-19. Pamanheru emusi unozofuma kune ratidziro, vakuru vehurumende vakabuditsa mazita evarwiri vekodzero dzavanhu anosvika gumi nena vaova vanhu vaitsvakwa nevemutemo.[154]

1.9.3 Zvigozheri

Panoratidza kuti hurumende inotevedzera tsika yakarongeka yekumbunyikidza masangano everuzhinji munguva inobatanidza kusvika apo vechiuto vatora masimba mugore ra2017, uye zvikurusei kubva munaNdira 2019 apo pakashungurudzwa veruzhinji vanyunyuta nekuratidzira, pakapfurwa vanhu gumi nenomwe vakafa pakakuvara vakawanda.[155] Nhengo dzemasangano everuzhinji kubva kumativi ose enyika vanomhang'ara kuwanda kwetsika yekutevererwa nevasori, kutorwa muchivande, kusungwa zvisina tsarukano, kutenherwa mutirongo uye kuvhiringidzwa kwemisangano nevanofungidzirwa kuva vasori. Basa rakakosha remasangano aya rekuva vatariri vemhosho uye nebasa rekutsigira nekuchengetedza avo vangawirwa nenjodzi ravakutorwa semhosva. Panguva imwecheteyo, mapazi ehurumende enhepfenyuro neekuprura nhau anobudisawo mishumo inomhura vatungamiri vemasangano everuzhinji avo vanopomerwa kubatikana nekuronga kupidigura hurumende. Mishumo yakadayi uye isina humboo yakateverwa nekusungwa kwe vanorwira kodzero dzavanhu.[156]

1.10 Chisungo Chegumi nena (Article 14) Matanho ekudzivirira kubiridzira mari (Money-laundering)

1.10.1 Kududzirwa Kwechinyorwa

Chisungo Chegumi nena (Article 14) chechibvumirano chinozadzikiswa muChitsauko chepiri, chinosungira nyika dziri pasi pechisungo kuti dzimise mutemo uye mirau yehutariri hunochenjerera nekudzivirira kubiridzirwa kwemari (money-laundering) kuburikidza nekuumba hukama nekukoverana zivo pakati pemasangano arimukati menyika uye kukoverana zivo nedzimwe nyika.

1.10.2 Kuzadzikiswa kweChisungo

Nyika yeZimbabwe yakagadza nzira nemirau yakawanda inodzivirira kubiridzirwa kwemari. Mutemo wekudziviria kusafambiswa zvakanaka kwemari we Money-Laundering Act [Chapter 9:24], mutemo wakavandudzwa unonongedzera nzira dzakanaka dzekushanda kwemabhangi nekudzivirirwa kwekubiridzirwa kwemari we Bank Use Promotion &

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[153] Matsaka, F. (2020), 'Scores of Zimbabwe protesters arrested, military in streets', available at https://www.washi, ngtonpost.com/world/africa/empty-streets-in-zimbabwe-as-security-forces-thwart-protest/2020/07/31/cda13416-d309-11ea-826b-cc394d824e35_story.html [accessed on 28 November 2020].

[154] Amnesty International (2020), 'Zimbabwe: Authorities thwart anti-corruption protests, launch a witch-hunt against activists', available at https://www.amnesty.org/en/latest/news/2020/07/zimbabwe-authorities-thwart-anti-corruption-protests-launch-a-witchhunt-against-activists/; Mahomed, F. (2020), 'Zimbabwean government lashes out at anti-corruption protesters with an iron fist', available at https://www.dailymaverick.co.za/article/2020-08-02-zimbabwean-government-lashes-out-at-anti-corruption-protesters-with-an-an-iron-fist/ [both accessed on 28 November 2020].

[155] Human Rights Watch (2019), 'Zimbabwe: Excessive Force Used Against Protesters', available at https://www.hrw.org/news/2019/03/12/zimbabwe-excessive-force-used-against-protesters [accessed on 28 November 2020].

[156] Heal Zimbabwe Trust (2019), 'Heal Zimbabwe condemns arrest of CSO members', available at http://kubatana.net/2019/05/21/heal-zimbabwe-condemns-arrest-of-cso-members/ [accessed on 28 November 2020].

Suppression of Money Laundering Act [Chapter 24:24] [157],sekuvandudzwa,[158] nemimwe mitemo, inoumba denhe remirau remunyika rinotungamira nekupacherechedzo inodzivirira kubiridzirwa kwemari nekudzivirira rutsigiro rwemari rwakanangana nemabasa evapanduki.

- ↔ Mutemo we Money-Laundering Act [Chapter 9:24] unosungira kuti pave neruzivo pamusoro peavo vanopiwa rubatsiro uye kunzvera chokwadi chezivo inopiwa iyi, kumhang'ara zviito zvinofungidzirwa kusatsarukana, kuchengetedzwa kwemagwaro ekufambiswa kwebasa, uye nedzimwe nzira dzinodzivirira kubiridzirwa kwemari zvichisanganisira mitongo inoenderana nemhosva dzinopikisa izvi.
- ↔ Rimwe danho rinoyemurwa rakakosha rakatorwa mugore ra2004, apo pakaumbwa chikamu chinounganidza huchenjeri maererano nezvemari, rinova bazi rakaumbwa pasi pechikamu chechitatu (Section 3) chemutemo unonongedza nzira dzakanaka dzekushanda kwemabhangi unovamutemo we Bank Use Promotion & Suppression of Money Laundering Act. Bazi iri rinoshanda sehutariri hwebhangi guru renyika re Bank of Zimbabwe (RBZ), nepo bazi iri rinehwaro hwehutungamiri hwaro hwakazvimiririra hwakatosiyana kubva kuhutungamiri hweRBZ.[159] Zvakadaro, bazi reFIU harina kutsamira pahwaro hwakakwana hwekuzvimiririra pamutemo kubva kuRBZ [160] Vatungamiri venyika vanokurudzirwa kuti vaumbe musiyano wakajeka pakati bebazi reFIU neRBZ kuti mapazi aya amire akasiyana pamutemo.[161]
- ↔ Pamusoropezvo, mashandiro ebazi reFIU anomanikidzwa nekushomeka kwezvikwanisiro zvinodiwa pabasa. Nyika yeZimbabwe inofanirwa kutsigira zvikuru hudyidzano nekuvandudza masimba ari amaererano nekudzivirirwa kwekubiridzirwa kwemari nekudzivirira kuti mabasa ehupanduki asawane rubatsiro, uye kuvanehomwe yakatsiga iyo inotendera kuzadzikiswa nekubudirira kwehurongwa hwekudzivirira nekuderedza kubiridzirwa kwemari nekutsigirwa kwemabasa evapanduki, hurongwa hweAnti-Money Laundering/Combating the Financing of Terrorism *(*AML⁄CFT*).*[162]
- ↔ Pamusoropezvo, nyika yeZimbabwe yakaumba boka re National Task Force rinoronga nekukokorodza hudyidzano nematanho ose ekudzivirira kubiridzirwa kwemari nekutsigirwa kwevapanduki.Nyika yeZimbabwe yakaumba nzira inocherechedza, kuongorora nekusungira kujekeswa kwemafambiro emari inobuda nokupinda munyika kusanganisira zvibvumirano zvinozopidigurwa kuti pazobuditswe mari (anonzi mabearer negotiable instruments)
- ↔ Pamusoro pezvo, bazi rehuchuchisi reNational Prosecuting Authority (NPA) rino tungamira mabasa ehudyidzano nedzimwe nyika munyaya dzinechekuita ne kubiridzirwa kwemari nedzimwe mhosva dzakarerekera kunyaya idzi. Izvi zvinowanikwa mumutemo we Criminal Matters (Mutual Assistance) Act. Hudyidzano hunogona kuitika kuburikidza nesanagano re International Criminal Police Organization (INTERPOL). Saizvozvo, Chikamu (Section) 37 chemutemo unodzivirira kubiridzirwa kwemari chinopa simba kubazi reFIU kuti rikoverane zivo nemamwe mapoka ekunze. Asi zvirikurarama zvinonongedza kuti panongova nekudyidzana mukati menyika bedzi sezvinoratidzwa nemunongedzo uripasi.

157 See https://www.fiu.co.zw/.
158 See https://www.rbz.co.zw/documents/acts/bankuse_promotion.pdf.
159 Ibid.
160 See https://www.fiu.co.zw/wp-content/uploads/2017/07/2ND-ROUND-MUTUAL-EVALUATION-REPORT-OF-THE-REPUBLIC-OF-ZIMBABWE.pdf.
161 Ibid.
162 Ibid.

Mupata6: Zvikumbiro zvakagamuchirwa neFIU kubvakumapazi emunyika[163]

Bazi	2015	2016	2017	2018
ZIMRA	3	14	23	55
Immigration	5	4	5	7
National Intelligence Service	2	4	8	24
CID HQ	2	0	1	0
CID CCD	17	17	22	63
CID Minerals Flora and Fauna	1	1	0	2
CID Law and Order	1	3	2	5
INTERPOL NCB Harare	0	0	1	1
ZACC	0	1	1	16
NECI	0	1	2	1
CID Anti-Corruption Unit	0	0	0	6
CID Asset Forfeiture Unit	0	0	0	13
CID Homicide	0	0	0	3
CID Vehicle Theft Squad	0	0	0	5
RBZ Financial Markets	0	0	0	1
Zvabatanidzwa	31	45	65	201

1.10.3 Zvigozheri

Bazi rinoshandisa uchenjeri mukuunganidza nekucherechedza mafambisirwo emariFIU re harina kusungunuka pakuzvimiririra uye mabasa aro anokangaidzwa nekushomeka kwezvikwanisiro.

163 See https://www.fiu.co.zw/wp-content/uploads/2020/11/Consol-NRA-2020.pdf.

2 Chitsauko Chechishanu (Chapter V) - Kudzoswa kwehupfumi hwakabiwa

Chisungo Chegumi neshanu kusvika kuChisungo Chegumi nepfumbamwe (Article 51 – Article 59) zvisungo zvinopa nhungamidzo kunyika dziri pasi pechibvumirano (State Parties) pamusoro pekubata nekudzoreredza hupfumi hwakabiwa. Naizvozvo, zviga zvekutanga munyaya dzekuvamba hudyidzano pakati penyika dziri pasi pebumbiro rekurwisa huori reUNCAC kuwirirana pakutsvaka, kuchengeta, kutora nekudzoreredza.
Rimwe donzvo nechinangwa chekurwisa huori kutorwa kwetuso nemibairo inobva mumabasa ehumbavha, kureva kutorera zvachose pachishandiswa mutongo wapuwa nedare redzimhosva kana rimwe bazi riripamutemo. Kurwisa masangano emakororo akarongeka ibasa guru kana pachitariswaq kuti masangano aya anesimba rinobva mukuva nemari zhinji uye hupfumi hwakaunganidzwa kuburikidza nemabasa ekutengesa zvinodhaka nezvombo. Pamusoro pezvo, nzira yakajairika yekupfigira makororo aya mutirongo yaratidza kusanyatso shanda zvakanaka mukuderedza mabasa ehutsotsi hwakarongeka nokudaro nzira yokutora hupfumi hwakawanikwa nemabasa ehukororo inotorwa sedanho rakakosha mukati memazano ekurwisa nekupedza hukororo hwakarongeka.

Nokudaro kutsvaka nokuwana midziyo yakawanikwa zvirikunze kwemitemo, nemibairo inobva pamidziyo iyi nekutorwa kwayo kubva mumaoko emakororo inzira dzisina kujairika uye dzinoyemurika pakurwisa nekuderedza mabasa ehukororo hwakarongeka. Naizvozvo, kutora hupfumi kubva mumaoko emakororo zvinokangaidza mabasa ehumbavha nokuti makororo anoshaya mari dzekushandisa mukutsigira mabasa awo ekupara dzimwe mhosva. Nenzira iyi, donzvo remutemo rinozadzikiswa neshumo yokuti mhosva haina mubairo uye kuti “muripo wembwa musoro wayo” zvinoreva kuti munhu akaita zvakashata zvinongopedzisira zvabata iye mwene wazvo uye zvakare kuzadzikisa chirevo chekuti “hakuna munhu anotenderwa kuwana mubairo kubva kumabasa ehukororo.”

2.1 Chisungo Chemakumi mashanu nechimwe (Article 51) – Kuparurwa kweruzivo, Chisungo Chemakumi mashanu nenhanhatu (Article 56) - Kubatana kwakakosha, uyeChisungo Chemakumi mashanu nepfumbamwe – (Article 59) Zvibvumirano zvepakati pamapatomaviri neakawanda uye hurungwa hwacho

2.1.1 Kududzirwa KweChisungo

Chisungo Chemakumi mashanu nerimwe (Article 51) chechibvumirano chinotaura pamusoro pekudzivirira nekuwanikwa kwehupfumi hunobva mumabasa ehumbavha hukahwezengurirwa kunze uye chisungo ichi chinoshuwira kuwanikidzwa kwemibairo inobva mumabasa ehumbavha kuburikidza nehudyidzano pakati penyika. Pamusorepezvo, chisungo chinokoshesa semusimboti kudzoreredzwa kwehupfumi hwakabiwa hunowanikwa kuburikidza nehudyidzano pakati penyika dziri nhengo pasi pebumbiro rekurwisa huori pasi rose.
Chisungo Chemakumi mashanu nenhanhatu (Article 56) chinoraira pamusoro pemikana ingangovapo pakutumirwa kwezivo kunedzimwe nyika pamusoro pehupfumi hwakawanikwa kuburikidza nemabasa ehumbavha zvinova mhosva dzinodziviswa nebumbiro rekurwisa huori.

Chisungo Chemakumi mashnau nepfumbamwe (Article 59) chinoraira pamusoro pemikana ingangovapo pakuti nyika dziri pasi prechibvumirano dzingogona kuwirirana pamusoro pezvimwe zvibvumirano pakati penyika mbiri kana dzakawanda nechinangwa chekukurudzira nekusimbaradza hudyidzano uye nechinangwa chokuita tsvakurudzo dzehupfumi hwakabiwa kana mibayiro isiri pamutemo sezvinorehwa muChitsauko Chechishanu (Chapter V) cheUNCAC.

2.1.2 Kuzadzikiswa kweZvisungo 51, 56 uye 59

Hwaro hwemitemo yekudzoreredzwa kwehupfumi hwakabiwa hunosanganisira inotevera:

a) Money Laundering and Proceeds of Crime Act [Chapter 9:17], [164] sekuvandudzwa kwawo,[165]
b) Criminal Matters (Mutual Assistance) Act [Chapter 9:06][166]; uyezve
c) Criminal Procedure and Evidence Act [Chapter 9:07].[167]

Sedanho repamusoro rekurwisa huori, bazi re Zimbabwe Anti-Corruption Commission (ZACC) rakavimbisa kuwana rubatsiro kubva kusanagano rekunze panyaya dzekutsvaka nekuwana nekudzoreredzwa kwehupfumi hwakahwezengurirwa kunze kwenyika. [168] Basa iri rinotungamirirwa nechikamu chinoona nezvekudzoreredzwa kwehupfumi mukomisheni ye ZACC. Chikamu ichi izvozvi chakabatikana nezvikumbiro zvinosvika makumi matatu nenhanhatu zvakanangana nekudzoreredzwa kwehupfumi hunehukosha hunosvika mamiriyoni mana nechidimbu (US$4.5 million). Chikamu ichi chakawana simbiso kuburikidza nemutemo unotendera kutorwa kwehupfumi husina mwezva kana tsanangudzo kuti hwakabvepi, mutemo unonzi Unexplained Wealth Orders.[169] Pfungwa iripo inokarira kuti papedzwe kubiridzirwa kwemari, kutsigirwa kwevapanduki, kunzvenga kubhadhara mitero uye nehuori, zvino zvakakodzera kuti mapazi anoti ZACC, ZIMRA, nemapurisa eZRP apihwe simba rokubvunzurudza vanhu vanehupfumi hwakapfurikidza mwero uye vasina mikana yakajeka inoratidza kuti vangawane hupfumi hwakadaro zviripamutemo.[170] ZACC yaratidza kubudirira pabasa payo zviripakati nepakati apo yakabudirira munyaya yomunyika mushure mokunge papiwa mutongo wokuti umwe mushandi weZIMRA atorerwe zviripamutemo hupfumi hunosanganisira imba inehukosha hunosvika US$150 000 nemotokari inokosha US$10 000. Izvi zvakaitika mushure mokunge mushandi uyu akundikana kugutsa dare kuti mari yekuunganidza hupfumi uhu akayiwanepi sezvo mari yaaiwana pakati pemakore 2014 kusvika 2018 yaingosvika pamadhora US$44 907.[171]

Chikamu (Section) 6B(c) chemutemo unodzivirira kubiridzirwa kwemari (Money-Laundering Act) unopa simba kuboka reFIU kuti ripe shumo neumboo hwekuhwerengedza kwaro kumasangano ekunze. Uyezve, Chikamu (Section) 37 (1) chemutemo uyu chinotendera FIU kuti ikoverane zivo nerimwe bazi rarinodyidzana naro uye rinosungirwawo kuchengetedza ruzivo urwu zvakavanzikana.[172] Hakuna umboo hunoratidza kuti izvi zvirikuteedzerwa, izvi zvinonongedza kushayikwa kwekujeka kwebasa reFIU.

Pamusoro pezvo, bazi reFIU, nemapurisa eZimbabwe Republic Police vanogoveranawo ruzivo kuburikidza nesangano ramapurisa pasi tenderere reINTERPOL. Kunyangwe zvakadaro, pane imwe nguva apo sangano reINTERPOL rakaramba kushandidzana nenyika

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164 Seehttps://zimlii.org/zw/legislation/num-act/2013/4/Money%20Laundering%20and%20Proceeds%20of%20Crime%20Act.pdf.
165Ibid.
166 See https://www.jsc.org.zw/jscbackend/upload/Acts/2014/0906updated.pdf.
167 See https://zimlii.org/zw/legislation/act/2016/2.
168Mapakame, E. (2020), 'Zimbabwe: ZACC engages international expert to recover assets', available at https://www.herald.co.zw/zacc-engages-international-expert-to-recover-assets/[accessed on 11December 2020].
169 See http://www.veritaszim.net/sites/veritas_d/files/Money%20Laundering%20and%20Proceeds%20of%20Crime%20Amendment%20Bill.pdf.
170 Ibid.
171 Nemukuyu, D. (2020), 'Corruption: Zimra official loses house', available at https://www.herald.co.zw/corruption-zimra-official-loses-house/ [accessed on 28 November 2020].
172 See https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/8-10June2020/V2002129e.pdf.

yeZimbabwe, zvikurusei apo sangano iri ranga ratarisana nenjodzi yekumbunyikidzwa kuti risunge vanofungidzirwa kuti vavengi vezvematongerwo enyika, avo vakaita saana Jonathan Moyo, saviour Kasukuwere, Patrick Zhuwao, Mandiitawepi Chimene naWalter Mzembi avo vakatiza munyika mushure mekunge vechiuto vatora masimba pakabviswa aimbova mutungamiri wenyika President Robert Mugabe. Izvi zvakaitika chero hazvo vaipomerwa mhosva ava vanga vaine nyaya dzekuita mabasa ehuori dzavanofanirwa kudavirira.[173]

Pamusoro pezvo, nyika yeZimbabwe inhengo yesangano remapazi anomiririra kudzoreredzwa kwehupfumi hwakabiwa mudunhu reAfrica rinova sanagano rinonzi Asset Recovery Inter-Agency Network for Southern Africa (ARIANSA), uye nyika inoshandisa sangano iri semukana wekukoverana zivo.[174] Nyaya yataurwa pamusoro apo yemushandi weZIMRA anemba yake yakatorwa nehurumende yakakoverwana neARINSA kuburikidza nedandemutande, izvi zvinova munongedzo wekuti panekukovera kwezivo. Asizve, kuti uwane ruzivo rwuzere panyaya iyi padandemutande panotoda kuti uvenhengo yeboka iri, zvinoreva kuti zivo maererano nenyaya idzi hazvisi zveveruzhinji.[175]

Chikamu Chepiri (Part II) chemutemo Criminal Matters (Mutual Assistance) Act [Chapter 9:06] chinotendera Gurukota rezvemutemo namatare (Minister of Justice) kuti asarudze nekutsaura dzimwe nyika nechinangwa chekutora umboo uye nekufambiswa kwemagwaro. Parizvino hakuna nyika yati yatsaurwa pasi pemutemo uyu. Izvi zvine mukana wekukanganisa kuferefeta.

Ingava mhosho kana pakasataurwa nezve hudyidzano hwenyika yeZimbabwe nedzimwe nyika mumasangano akaita seSouthern African Development Community (SADC) uye neAfrican Union (AU). Nyika yeZimbabwe yakatendawo ikabvuma kuva pasi pechibvumirano chekurwisa huori mudunhu rekumadokero cheSADC Protocol against Corruption (SPAC) uye nyika yakasayina ikabvuma kuva pasi pechibvumirano che chekudzivirira nekurwisa huori mudunmhu reAfrica chibvumirano che African Union Convention on Preventing and Combating Corruption (AUCPCC). Asi Zimbabwe haisati yambosunga chibvumirano pamusoro penyaya dzekuparwa kwemhosva dzehukororo (criminal matters).

2.2 Chisungo CheMakumi mashanu nembiri (Article 52) – Kudzivirira uye kuona kuwongororwa kwemibayiro inobva mumabasa ehukororo, uyeChisungo chemakumi mashanu nesere (Article 58) – Chikamu cheuchenjeri wezvemari

2.2.1 Dudziro yeZvisungo

Chisungo Chemakumi mashanu nembiri (Article 52) chinosungira nyika dziri pasi pechibvumirano kuti dzitore matanho akakodzera maringe nekushandiswa kwedzimari, zvisinei kuti zvine chekuita nemhosva dzakaita sedzekubiridzirwa kwemari uye matanho aya haafaniri kukanganisa mapazi ezvemari kuti aite basa rawo zvakanaka.

Pasi peChisungo Chemakumi mashanu nesere (Article 58) chebumbiro rekurwisa huori, makurukota ehurumende anehutariri hwekukokorodza huchenjeri munezvemari anosungirwa kuti ave nehudyidzano nechinangwa chekudzivirira nerwisa kugachidzanwa kwemidziyo yakawanikwa nenzira dzehukororo, uye panekurudziro yekuumba mapazi anokokorodza

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173 Zimlive (2020), 'Interpol declines Zimbabwe requests to arrest former Mugabe ministers', available athttps://www.zimlive.com/2019/08/22/interpol-declines-zimbabwe-requests-to-arrest-former-mugabe-ministers/[accessed on 28 November 2020].
174 See https://new.arinsa.org/ [accessed on 28 November 2020].
175 Ibid.

huchenjeri hwezvemari, mapazi anozopuwa zivo, onzvera, nekuzokoverana mishumo yezviitiko zvinofungidzirwa kusatsarukana nemakurukota akakodzera.

2.2.2 Kuzadzikiswa kweZvisungo 52 ne58

Kuburikidza nemutemo, Chikamu Chegumi nena, ndima yokutanga (Section 14(1)), che Money-Laundering and Proceeds of Crime Act [Chapter 9:24], masangano anoshandidzana nezvemari haatenderwi kuumba kana kuchengeta homwe kana maakaundi pasi pemazita asiri echokwadi kana emadunhurirwa.[176]

Zvizhini panyaya iyi, Chikamu Chegumi neshanu ndima yechitatu (Section 15 (3)) inosungira masangano anoshanda nezvemari kuti vave neruzivo nekuongorora huchokwadi hwevene vemari kana avo vanowana kubetserwa nemasangano aya. Masangano aya anosungirwa zvakare kuita ongororo yekuona kana uyo anoda kushandidzana navo asiri munhu anehudyidzano nezvematongerwo enyika. Kana pane chimiro chakadaro, mvumo yekushandidzana nemunhu akadaro inofanirwa kupuwa nevakuru vanechinhanho chepamusoro pabasa pasati paumbwa hukama nemunhu akadaro. Pamusoropezvo, Chikamu chemakumi maviri ndima yekutanga (Section 20 (1) (b) chinosungira kuti masangano ezvemari atore matanho nenzira dzekucherechedza minyatso yehupfumi nekunobva mari nemimwe midziyo yemunhu anoda kushandidzana navo.
Mutungamiri webazi rinokokorodza huchenjeri munezvemari (FIU Director-General) anongona kuraira kana kiupa nhungamidzo inotsvaka kuti:

a. pave neimwe tsanangudzo kana jekeso pamusana pezvavanokarirwa kuita kana huchenjeri hwashandiswa kuderedza mikana yenjodzi, kana kuti
b. Kurambidza kana kuderedza chinhanho chehukama nemamwe mapoka anosungirwa kushandidzana navo.

Ingava mhosho kana pakasatsinhidzirwa kuti masangano ezvemari anosungirwa kushandisa huchenjeri nenang'anidzo yakaringana nenjodzi ingangowanikwa mubasa ravo apo vanoumba hukana navanhu nemasangano aripamutemo anobva kunyika dzakatsaurwa nebazi reFIU kuburikidza nemirairo kana kuburikidza nemagwaro anotumirwa echenjedzo kusanganisira idzo nyika dzakasarudzwa dzikatsaurwa nebazi re Financial Action Task Force.[177]

Zvichitevedzerwa minongedzo yeChikamu Chemakumi maviri nena (Section 24) chemutemo unodzivirira kubiridzirwa kwemari we Money-Laundering and Proceeds of Crime Act [Chapter 9:24], masangano ezvemari anosungirwa kuchengeta mabhuku nemagwaro ose ari pamusoro pevanhu vavanoshandidzana navo nezviito zvinoenderana navo kwemakore mashanu kubva zuva rechiitiko kanakubva zuva raperera hudyidzano. Asi, mukushanda, hazvina kujeka kuti izvi zvirikuteedzerwa.
Chikamu Chegumi netatu (Section 13) chemutemo uyu chinorambidza kuumbwa kana kushandiswa kwemabhangi asina kunyoreswa kana kuva neugari zviripamutemo munyika yeZimbababwe (shell bank). Imhakawo zvakare kuti munhu ashandidzane kana kuva nehukama nebhangi risina ugari munyika kana kuva nehudyidzano nerimwe sanagano rezvemari rekune imwe nyika rinotendera kuti maakawundi aro ashandiswe nebhangi risina ugari munyika.

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[176] See https://zimlii.org/zw/legislation/num-act/2013/4/Money%20Laundering%20and%20Proceeds%20of%20Crime%20Act.pdf.
[177] See http://www.fatf-gafi.org/countries/#high-risk [accessed on 3 February 2021].

2.2.3 Zvigozheri

Nepohazvo panehwaro hwemitemo hwakagadzwa, panezvigozheri zvakawanda. Semuenzaniso, kunze kwenhengo dzedare reParamende nevamwe vashandi vemapazi everuzhinji, nyika yeZimbabwe haisati yaumba nzira dzinoraira kuti vashandi vamapazi everuzhinji vazivise nokujekesa hupfumi hwavo. Nokudaro hapana murairo unomanikidza vashandi veruzhinji kuti vazivise mari dzavadzo kumaakaundi ekunze kwenyika kana dzimwe homwe dzemari dzavane simba pamusoro padzo. Kunyangwe zvakadaro, bazi reFIU rinesimba rekuwanan zivo kubva kumasangano ezvemari nemamwe mapoka anodomwa pasi peChikamu chichitanhatu (Section 6E) chemutemo we Money-Laundering and Proceeds of Crime Act [Chapter 9: 17]. Pamusoro pezvo, mukuru weFIU (Director-General) anogona kuraira kumiswa kwekushanda kwemaakaundi anofungidzirwa kusatsarukana kuti asashande kwemazuva gumi nemana.

2.3 Chisungo chemakumi mashanunenhatu (Article 53) – Matanho ekudzoreredza midziyo nezvivakwa, – Chisungo Chemakumi mashanu neina (Article 54) - Matanho ekudzoreredza midziyo kuburikidza nekudyidzana nevekunze uye Chisungo Chemakumi mashanu neshanu (Article 55) – Hudyidzano nevekunze pakutorwa kwehupfumi hwakabiwa

2.3.1 DudziroyeChisungo

Chisungo Chemakumi mashanu nenhatu (Article 53) chebumbiro rekurwisana nehuori chinonyatsotsanangura nyaya dziri maererano nekudzoreredzwa kemidziyo yakawanikwa nenzira dzirikunze kwemutemo. Zvinoreva izvo kuti, pandima yokutanga, panoonekwa tarisiro yekuti dzimwe nyika dzinogona kukumbira matare edzimhosva ekuneimwe nyika kwakachengetwa midziyo kuti paruramiswe zivo pamusoro pemwene wemidziyo iyoyo inenge yakawanikwa kuburikidza nemabasa emhosva dzinorambidzwa pasi pebumbiro rekurwisa huori. Ndima yechipiri inopa miono inetarisiro yokuti panofanirwa kuva nenzira dzokuripira nyika inenge yakanganisirwa nemabasa emhosho dzinorambidzwa pasi pebumbiro. Ndima yechitatu inopawo miono yekuti matare edzimhosva anofanirwa kucherechedza chikumbiro chekuripwa kwenyika inenge yakanisirwa nemhosho dzinorambidzwa nebumbiro apo panenge papihwa mutongo unotendera kutorwa kwemidziyo nerimwe tuso rinowanikwa nemabasa ehumbavha.

Chisungo Chemakumi mashanu nena (Section 54) chebumbiro rekurwisana nehuori chinokarira kuti pave nenzira yekudzoreredza midziyo yakawanikwa nenzira dzirikunze kwemutemo pachishandiswa hudyidzano pakati penyika dzepasi rose nekushandiswa kwenzira dzekutora midziyo zviripamutemo uye panotarisirwa kuwanikwa kwerubatsiro rezvemitemo maererano nemikumbiro yenyika dzinoda kutora matanho ekumisa kushanda kana kutorwa kwemidziyo yakadayi kwechinguvana.

Chisungo Chemakumi mashanu neshanu (Section 55) chinokarirazve kuti pave nemikana inotendera kuti nyika yokutanga igashira chikumbiro chinobva kune imwe nyika kuti itoredzere mitongo iri maererano nekutorwa kwemidziyo kana kutoredzera chidimbu chemutongo urimaererano nekutorwa kwemidziyo yakamiririra imwe nyika inenge yaisa chikumbiro chemutoo wakadai.

2.3.2 Kuzadzikiswa kweZvisungo 53, 54 uye 55

Nyika yeZimbabwe haina kumisa murau unotendera dzimwe nyika kuti dziunze nyaya kumatare emuno dzichitsvaka kururamisirwa kuti ndiyani mwene wemidziyo iyo inenge yakawanika nemabasa asiri pamutemo. Dambudziko guru rakanangana netsanangudzo yekuti anonzi 'munhu' pasi peChikamu Chechipiri (Section 2) chemutemo weCriminal

Procedure and Evidence [Chapter 9:23] Act haina kupamhamha patsanangudzo sezvo isinga cherechedzi nyika dzekunze. Kunyangwe zvakadaro, makambani akazvimiririra oga nemakambani everuzhinji anevene vakatsanangurwa pamutemo vanogona kupomerwawo kana kunenerwa mhaka. Uyezve, mutemo wemuZimbabwe haucherechedzi kodzero dzedzimwe nyika savaridzi vemidziyo irimunyika muno kana kupa ruremekedzo rwekucherechedza nyika idzi sedzinerutivi rwekutanga panhanho dzekutorwa kwemidziyo.

Asi pane zvinoyemurika, Chikamu Chemakumi matatu nembiri (Section 32) chemutemo Criminal Matters (Mutual Assistance) Act [Chapter 9:06] chinosungira kuti pateedzerwe nekuremekedzwa kwemitongo inotendera kutorwa kwemidziyo nedzihurumende. Mutongo unotendera nyika dzokunze kuti dzitore midziyo zviripamutemo inogona kuremekedzwa sokunge mutongo watemwa nedare redzimhosva.

Midziyo inenge yaonekwa semidziyo isinakutsarukana iyo iri yemunhu awanikwa anemhosva huru inosanganisira mhosva yekubiridzira mari sezvakatarwa pasi peChikamu Chepiri (Section 2) chemutemo we Money-Laundering and Proceeds of Crime Act, inogona kutorwa nehurumende.[178]

Pamusoro pezvo, mutemo we Criminal Matters (Mutual Assistance) Act unosungira kuti kuteedzerwe zvimiso zvinenge zvakatemwa rematare ekunze.

Zvakadaro, hapana mikumbiro yekumisa kushanda kana yekutorwa kwemidziyo yakatambirwa pasi pemutemo we Criminal Matters (Mutual Assistance) Act, uye hapana mhaka dzakatambirwa apo matare edzimhosva akatemera kuti pacherechedzwe mitongo yekunze kwenyika inechekuita nekutorwa kwemidziyo. Chikamu Chepfumbamwe (Section 9) chemutemo uyu chinopa muenzaniso wemhando yezivo inofanirwa kunge ichivaka chikumbiro chekutsvaka rubatsiro maererano nenyaya dzekuparwa kwemhosva dzehukororo. Nyika yeZimbabwe haitsvaki kuti pave nechibvumirano neimwe nyika kuti patambwe nyaya dzekutorwa kwemidziyo yakawanikwa nenzira dziri kunze kwemutemo.

2.4 Chisungo Chemakumi mashanu nenomwe (Article 57) – Kudzoka nekugoverwa kwemidziyo yadzoreredzwa

2.4.1 Dudziro yeChisungo

CChisungo Chemakumi mashanu nenomwe (Article 57) chebumbiro rekurwisana nehuori chinopa nhungamidzo pazviitiko zvinechekuita nekutorwa kwemidziyo yakawanikwa nenzira dzirikunze kwemutemo uye pamusoro pemibairo inowanikwa kuburikidza nemabasa emhosva dzinorambidzwa pasi pebumbiro iri. Zvinoreva kuti, chisungo ichi chinonangana ne "mhedzisiro" yemidziyo yakatorwa nehurumende zviripamutemo. Nokudaro, zvinotarisirwa kuti midziyo yakatorwa nehurumende ichengetedzwe zvichiteedzerwa mitemo yemunyika, uye pachitariswawo mikana inotendera kudzoreredzwa kwemidziyo iyi kuvene vayo chaivo. Pamusoro pezvo, panopuwa mienzaniso inononengedza kuti vakuru vehurumende vangatora matanho akadii pakudzoreredzwa kwemidziyo kunyika dzaita mikumbiro iyoyi.

2.4.2 Kuzadzikiswa kweChisungo

Mari dzinenge dzadzoreredzwa dzinofanirwa kupinzwa muhomwe yehupfumi hwakadzorwa inova homwe ye Recovered Assets Fund. Mutemo unotendera Gurukota Rezvehupfumi (Minister of Finance) kuti ritore mari kubva muhomwe ye Recovered Assets Fund kuti aripire avo vanenge vakarasikirwa nehupfumi kana kupingaidzwa nechikonzero chemhosva kana

[178] See Sections 50-57 of the Criminal Matters (Mutual Assistance) Act [Chapter 9:06].

kubhadhara mibairo kune vamwe vanerutiviwo munyaya idzi. Mirau yemuZimbabwe yekudzoreredzwa kwehupfumi haisati yanyanya kusevenza kunze kwenyaya iya yemushandi weZIMRA.[179] Kusvika nhasi, hapana humboo hunojekesera veruzhinji kuti midziyo yakatorwa nehurumende yakagoverwa sei, uye kuti mari dzakawanikwa dzakashanda sei.

Pamusoro pezvo, Gurukota Rezvehupfumi (Minister of Finance) anogona kubvumira kuti pave nemari dzinobhadharwa kubva kuhomwe ye Recovered Assets Fund uye kukoverana midziyo nedzimwe nyika. Zvichienderana neChikamu Chemakumi mapfumbamwe nenomwe pandima yechipiri (Section 97 (2) (b) chemutemo uyu, nyika yeZimbabwe inogona kukamura mari dzendyiko maererano nekudzoreredzwa, kuchengetedzwa nekugoverwa kwemidziyo yakatorwa nehurumende zviripamutemo.

Dare redzimhosva rinogona kubvisa mudziyo kubva pagwaro rinotendera kutorwa kwemidziyo kana pane munhu anerupandi pamudziyo uyu as asiri kukwikwidza nyaya iyoyi.

2.4.3 Zvigozheri

Kunyangwe zvakadaro, nyika yeZimbabwe haisati yaperevedza chibvumirano chekupedzisa nhanho dzinodikanwa panyaya yekugoverwa kwemidziyo yakatorwa zviripamutemo. Nyika yeZimbabwe inemukana mukuru wekukokorodza hupfumi hwakabiwa nekuda kwechinkonzero chekuti nyika ineruzivo nehuchenjeri hwekuti upfumi hwaka hweveredzwa hwakaendeswa kunyika dzipi. Sangano reZimbabwe Anti-Corruption Commission (ZACC) sezvo rakwiridzira mashandiro aro rakataura kuti rakatowana zivo pamusoro pehupfumi hwakabiwa hwakatekeshera pasi rose hunehukosha hunosvika mabhiriyoni manomwe emadhora ekuAmerika (US$7 billion) zvinosanganisira musvo nemidziyo, izvo zvakavanzwa nevaimbova nevachiri makurukota ehurumende. Sachigaro wesangano iri mutongi anoremekedzwa Justice Loice Matanda-Moyo akati imwe mari nemidziyo zvakavanzwa kunyika dzinosanganisira Switzerland, Ingirandi (United Kingdom), Amerika (United States of America), Singapore, Hong Kong, Malaysia, Mauritius uye Spain, nedzimwewo nyika.[180]

Dambudziko guru kushayikwa kwehanya nechido kubva kuvatungmiriri vezvematongerwo enyika. Muna Kurume 2018, nyika yeZimbabwe yakashambadzira mazita anosvika 1 844 yevanhu vakahweshurira hupfumi kunze kwenyika, vazhinji vevapambi vepfuma ava vanoita mabasa anechekuita nekuchera migodhi, kurima, makambani anogadzira mbatya nemidziyo yemuno uye avo vanotakura, kutumira nekupinza zvinhu kubva kunze.[181] Vapambi vepfuma ava vanosanganisira vanhuwo zvavo nemakambani. Vanovanza hupfumi kunze kwenyika vaka domwa nekunyadziswa mushure mekunge vakundikana kudzosa hupfumi hunehukosha hungangosvika bhiriyoni ramadhora ekuAmerika (US$1 billion) hupfumi hwakahweshurirwa kunze mukati memakore apfuura, kunyangwe hazvo hurumende yanga yavapa kangamwiro kwemwedzi mitatu. Zvigozheri zvinoita kuti kudzoreredzwa kwehupfumi kunetse ndechekuti vazhinji vevapambi vepfuma ava ndevavo vanehudyidzano nehukama nevezvematongerwo enyika vanova vanhu vanesimba pamusoro pe mapoka akagadzwa kurwisana nehuori. Kushaya hanya nekurwisa huori kunoonekwa pachena sezvo kusvika panguva yemuna Gumiguru 2020; hurumende yanga isati yastvaka rubatsiro kubva kusangano rekunze rinehumhare pamatanho ekudzoreredzwa kwehupfumi, nepo pave nemakore akawanda bazi reZACC raumbwa. Umwe komishina weZACC anoti "*Tinechido*

[179]See Nemukuyu, D. (2020), 'Corruption: Zimra official loses house'.
[180] The Herald (2020), 'Zimbabwe: Asset recovery - Zacc identifies u.s.$7 billion cash, properties', available at https://allafrica.com/stories/202002260692.html[accessed on 28 November 2020].
[181]Rahman Alfa Shaban, A. (2018), 'Zimbabwe publishes list of nation looters, chasing $827 million', available at https://www.africanews.com/2018/03/19/zimbabwe-publishes-list-of-nation-looters-chasing-827-million//[accessed on 28 November 2020].

chekudzora hupfumi hwakavanzwa mhiri, asi sesangano reZACC hatina zvikwanisiro zvakakwana zvekuferefeta nekuronda hupfumi uhu, saka nokudaro tinofanirwa kushandidzana nemamwe masangano arimhiri." [182]

Izvi zvinonongedza kushayikwa kwehanya nechido chekuchimbidza kuumba nekutsigira nemari sangano iri kuti rigone kukasika kukokorodza nekudzoreredza hupfumi uhu.

[182] See Mapakame, E. (2020), 'ZACC engages international expert to recover assets'.

V. ZVAKAITWA MUMAZUVA MASHOMA APFUURA

↔ **Kugadzwa kwebazi re Asset Forfeiture Unit (AFU)**

Mapazi anoti rehuchuchisi re National Prosecuting Authority (NPA) uye neZimbabwe Anti-Corruption Commission (ZACC) anga achisimudzira masimba awo ekudzoreredza hupfumi hwakawanikwa nemabasa ehuori. Mukuru wevachuchisi (Prosecutor-General) vaKumbiraiHodzi vakati ivo bazi reNPA rabudiriria mubasa raro kuburikidza nekushandisa nzira dzakavandudzwa dzekudzoreredza hupfumi. VaHodzi vakataura zvakare kuti NPA yaumba boka rekuronda nekutora hupfumi husina nhoroondo yakatsarukana rinova boka reAsset Forfeiture Unit (AFU), boka iri rinodyidzana nemamwe mapazi ehurumende anosanganisira ZACC, Zimbabwe Revenue Authority, Financial Intelligence Unit, nemamwe mapazi anoferefeta, izvi zvichiitirwa kurerutsa mikana yekutsvaka, kuronda, kumisa kushanda uye nekutora midziyo zviripamutemo.[183] Boka iri rinosanganisira magwta mana, nevamwe vanechitsama vanoferefeta. Asizve, pane hurongwa hwekusimbisa boka iri kuburikidza nekutsvaka vamwe vashandi nekuvadzidzisa hunyanzvi hwebasa iri. Kuumbwa kwe boka reAFU kunomanikidzwa pasi pechikamu chemakumi maviri nenomwe ndima yechina (Section 27A (4) chemutemo we Money Laundering and Proceeds of Crime Act [Chapter 9:24], sekuvandudzwa kwawo. Zvitakataurwawokuti pakutanga pegore ra2020, boka iri raitakanurana nenyaya dzinosvika gumi nena dziri maererano nekuronda hupfumi hunehukosha hunosvika mamiriyoni emadhora ekuAmerika.[184]

↔ **Kupamidzirwa ruzivo rwebasa nenzendo dzekuwana humwe hunyanzvi**

Mugore ra2019, ZACC yakatendera vashandi vayo kuti vawane dzidziso inowanikwa kunze kwenyika kuti vave nehumhare mubasa ravo rekudzoreredza hupfumi hwakabiwa. Pakatorwa nzendo nhatu dzakakosha apo pakavhakachirwa bazi rinoongorora mhosva dzezvehupfumi nekubiridzirwa kwemari munyika yeNigeria inova komishini yeNigeria Economic and Financial Crimes Commission, Botswana Directorate on Corruption and the Economic Crimes uye neTanzania Anti-corruption Agency.[185]

↔ **Mutongo weDare Redzimhosva Repamusoro wekutorwa kwemidziyo yakawanikwa kuburikidza nemari yakabva kumabasa ehuori**

Muna Ndira 2020, Prosecutor-General vakakumbira Dare Redzimhosva Repamusoro (High Court) vachikumbira kupuwa mvumo yekutora nzvimbo yekuvakira pekugara uye nedzimotokari dzemumwe mushandi webazi re Zimbabwe Revenue Authority uyo aishandira kuBeitbridge Border Post semuteresi. Zvinofungidzirwa kuti muzvare uyu anogona kuva akazvipfumisa nenzira dzisina kutsarukana.[186]

↔ **Hupfumi hwakadzoreredzwa, mari nemitongo inodzivisa (restraining orders) yakapuwa mugore ra2019 Mugore ra2019**

Sangano reARINSA rakaturura kuti Zimbabwe yakaferefeta nyaya itsva dzinosvika 232 dziri maererano nekubiridzirwa kwemari (money-laundering) panovaipo panosanganisira nyaya makumi manomwe (70) ekutorwa kwemidziyo zviripamutemo (seizures). Mitongo yakapuwa ichitendera kutorwa kwemidziyo yaiva nehukoshi hwakasvika US$7 145 298. Pamusoro

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[183] Bwititi, K. (2020), 'NPA cranks up machinery for asset recovery', available at https://www.sundaymail.co.zw/zacc-npa-cranks-up-machinery-for-assets-recovery [accessed on 28 November 2020].
[184] Ibid.
[185] Ibid.
[186] Laiton, C. (2020), 'PG seeks forfeiture of Zimra official's assets', available at https://www.newsday.co.zw/2020/01/pg-seeks-forfeiture-of-zimra-officials-assets/ [accessed on 28 November 2020].

pezvo, mitongo inosvika minomwe yakapuwa ichitendeera kuti hupfumi husina kutsaurirwa vene huendeswe mumaoko ehurumende (forfeiture orders), hwanga hune hukoshi hunosvika US$6588000.[187]

[187] ARINSA (2020), '2019 Annual Report', available at https://www.unodc.org/documents/southernafrica//Publications/TransnationalOrganisedCrime/ARINSA_Annual_Report_2020_Final.pdf [accessed on 28 November 2020].

VI. KURUDZIRO

↔ **Kurudziro inokosha**

Zvinokurudzirwa kuti nyika yeZimbabwe:

1. Ivandudze kudyidzana kwayo nemasanagano akazvimiririra oga emaCSO, nevezvenhau vakazvimirira pamwe nevemasangano akazvimirira muhurongwa hweongororo yeUNCAC pamwe nepahurongwa hwekurwisa huwori nekuona kuti ma CSOs, vezvenhau nevemakambani akazvimirira vabvunzwawo mawonero avo;
2. Igadze nekushandisa mutemo wekuwana ruzivo zvinoenderana nemaitiro anoyemurika epasi rese, kusanganisira kuumbwa kwebazi rakazvimiririra senge raInformation Commissioner kuti vatarise kuzadzikiswa kwemutemo unenge wakatarwa;
3. Iwedzere homwe yemari pamwe nehunyanzvi hwevanhu mumasangano anorwisa huwori akaita seZimbabwe Anti-Corruption Commission (ZACC) pamwe neFinancial Intelligence Unit (FIU) kuti vaite basa ravakatarirwa nenzira inehudzamu, nehumhare, uye kuti vebazi iri vazvimirire voga vasange vari pasi pe bhanga guru re RBZ;
4. Kushanda kuitira kupedzisa zviitiko zvekusarangwa kwevanhu vanoita zvehuwori, kunyanya avo vanehudyidzano nezvematongerwo enyika;

↔ **Kurudziro pasi peChikamu Chechipiri (Chapter II) che UNCAC**

Kunokurudzirwa kuti Zimbabwe iite zvinotevera:

5. Kubatapamwe nenyanzvi dzinobva kumativi akasiyana , kusanganisira maCSO, vezvenhau vakazvimirira uye vemapoka anomirira vanhu varipakamanikana, mukumisikidza chirongwa chekuwongorora gwaro rinonongedza nzira nenhanho dzokurwisa huori munyika mu makore 2020-2024;
6. Kupa rutsigiro rwakakwana kumasangano anodzivirira huwori akaita seZACC kuiti rakuti vagoita zviga zvavo nenzira inehudzamu, nehumhare, uye vakazvimirira voga;
7. Paumbwe tsanangudzo yakajeka pamusoro pezvinhu zvinoitwa nevashandi zvingapingaidze basa uye patarwe nzira dzingatungamira vashandi vehurumende kuti vamhang’are zvipingaidzo zvakadai kuvakuru uye kuitira kuti makakatanwa anonyuka ayanananiswe;
8. Makurukota anezvinhanho zvepamusoro anofanirwa kupinzwa mabasa pachiteedzerwa kuti vakakodzera here;
9. Kugadzira murau unonongedza kuzvibata netsika dzakanaka dzvavashandi vose vehurumende uye kuuteedzera;
10. Kugadza hwaro hwakadzama hunokurudzira kunezvepamutemo napahutariri kumhanga’rwa kwetsika dzehuori mumapazi ose ehurumende;
11. Kusimbisa nekutsigira masangano nekuumba mwezha mubasa reveruzhinji izvo zvinotendera kuti nyaya dzehuori dziwonekwe nekukasika;
12. Kutsigirwa kwemasangano akatarirwa basa rekuferefeta nekuchuchisa mhosva dzehuori nemhaka dzinosanganisirawo kufambiswa kwemari zvisina tsarukano;
13. Kudzikwa kwemutemo unokurudzira kuwanikwa kwezivo zvichinangana netsika dzinoyemurika dzepasi rose, zvichisanganisira kuumbwa kwebazi rakazvimiririra rinova mutariri wemutemo iwoyu;
14. Kupenengurwa kwemutemo wekunyoreswa kwemabhizimusi (we Companies and Other Business Entities Act) kuti paumbwe gwaro rimwechete rakaurungana rekunyoreswa kwemakambani rinochengetwa nenzira dzamazuvano dzinoshandisa masaisai;

15. Padzokororwe nekuongororwa kwemitemo yezvemitero kuitira kuti isatendera kuti mari dzinowanikwa nenzira dzehuori dzideredze mari inobatirwa mitero;
16. Kuparura nzira dzinoshandisa masaisai dzinotendera kuti magwaro ekukoka kana anoratidza zvido zvekupuwa mabasa kana kupuwa mikana yokutengesa ashambadzirwe jekerere kuti veruzhinji vave neruzivo urwu pachena uye pachishandiswa mutoo unokurudzira tsika yekujekeswa kwemikana unonzi Open Contracting Data Standards.

Kunokurudzirwa kuti ZACC iyite zvinotevera:

17. Paratidzwe kuzvimiririra kwesangano iri kubva mukumbunyikidzwa nevezvematongerwo enyika uye kuti sangano iri rishande risingatye kuferefeta nyaya dzose dzavanhu vane hudyidzano nezvematongerwo enyika;
18. Pave nenzira dzinehudzamu dzakajeka pakufambiswa kwenyaya dzinomhang'arwa uye kuteverera mhosva dzose dzehuori dzinounzwa kuburikidza nenharirire dzehuori dzinoshandisa dandemutande.

↔ **Kurudziro pasi peChikamu Chechishanu (Chapter V) cheUNCAC**

Zimbabwe inokurudzirwa kuita zvinotevera:

19. Kugadzira nzira iri pachena yekudura nekuzivisa yekuti vashandi veHurumende vataure homwe dziri kunzekwenyika dzavanechekuita nadzo kana kuti dzavanosainira kana dzavanesimba pamusoro padzo;
20. Kuvandudza nzira dzingashandiswe kuwongorora nekucherechedza mabhizimusi anobata mari zvingakonzera miedzo kana njodzi seve mitambo yekufadza vanhu yemaCasino, magweta, vanotengesa dzimba, nevamwewo vakasiyana vanosanganisira vanobata zvicherwa;
21. Kuvandudza hwaro hwepamutemo hwekudzosa hupfumi hwakabiwa uye pave nematanho ekuona kuti matsotsi atorerwa hupfumi hwavakawana nenzira dzirikunze kwemitemo;
22. Kupinda chirongwa cheMutual Legal Assistance nekubatana nedzimwenyika nemasangano kubatsira mukuziva nekudoma hupfumi hunowanikwa nenzira dzehuori uyekubiridzirwa kwemari mukati menyika nekunze;
23. Kushandura mutemo kuitira kupa zviga zvinobvumidza dzimwe nyika kushandisa matare emuZimbabwe kuti vatore nekudzosera kunyikadzavo hupfumi hunenge hwakabiwa ikoko hukavanzikwa muno;
24. Kuvandudza simba rebazi reFinancial Intelligence Unit (FIU) pamwe neZimbabwe Anti-Corruption Commission (ZACC) kuti akwanise kukurumidza kudzosa zvinhu zvakabiwa nekupa masangano aya mari yakaringana yekuita basa rawo akasununguka uye asina anovambunyikidza;
25. Kugadzirisa mutemo wePublic Entities Corporate Governance Act [Chitsauko 10:31] nekuisa chikamu chinodoma zvirango kune avo vanopa ruzivo rwenhema;
26. Kubatana nemadzisahwira nemasangano ekunedzimwe nyika kuti kufambiswe basa rekuzivikanwa, kutsvaga, kuronda, kutora uye kudzosa hupfumi hwakabiwa.

VII. WEDZERO

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