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# **ISS/RESERVE BANK OF ZIMBABWE ANTI-MONEY LAUNDERING CAPACITY BUILDING WORKSHOP**

**Reserve Bank Training Centre, Harare, Zimbabwe  
27 September – 6 October 2005**

**WORKSHOP REPORT**

**Background, objectives, methodology and expected outcomes**

Money laundering has been recognised as a statutory offence in Zimbabwe since the adoption of the Serious Offences (Confiscation of Profits) Act in 1990. Zimbabwe can be regarded as a pioneer in specifically criminalising the processing of proceeds of crime in order to disguise their illegal origin. In the fifteen years that have passed since then, more countries in Southern Africa have followed suit. The most recent law against money laundering in the sub-region was enacted towards the end of 2004.

However, if measured by the volume of successful prosecutions, the region's 15-year experience with combating money laundering is not rich. No one country can report more than 10 significant prosecutions. Yet there is acknowledgement all round that economic crime, especially in its organised form, is of significant magnitude in key areas that are logically and empirically associated with money laundering. Law enforcement agencies, some of which have been established in the last twelve months, are under pressure to give value for money both in terms of reducing the incidence of money laundering and combating underlying criminal activities from which proceeds are derived.

In 2004, Zimbabwe adopted the Bank Use Promotion and Suppression of Money Laundering Act, which among other things, created a structure to co-ordinate anti-money laundering measures. The Bank Use Promotion and Suppression of Money Laundering Unit, now formally known as the Financial Intelligence Inspectorate and Evaluation Unit (FIIE Unit) is intended to be an integral part of the Reserve Bank. As a repository of financial and economic information, the Unit has the key task of constructing co-operative relationships with local state and non-state structures to improve access to the information vital for the enforcement of laws against money laundering.

In an environment in which resources and skills are scarce, it is necessary to periodically measure the efficiency and effectiveness of the adopted strategies, as well as of the distinct elements of the new law enforcement regimes. As part of these strategies, the FIIE Unit is under scrutiny by the public, by bureaucrats and by the private sector.

### **Importance and objectives of the workshop**

The workshop was mainly intended to enhance the capacity of the FIIE Unit to detect and suppress money laundering. The workshop sought to expose participants to a critical analysis of the state of economic crime and money laundering in Zimbabwe and some neighbouring countries.

The detailed objectives of the workshop were to:

- develop an appreciation among stakeholders of the current situation in Zimbabwe regarding economic crime and money laundering;

- discuss the methods adopted in Zimbabwe and relevant foreign countries to combat money laundering;
- identify the strengths and weaknesses of current measures;
- highlight the challenges arising from the enforcement of measures against money laundering, and consider ways of overcoming them.

During preparations for the workshop, it emerged that there were other institutions just as critical to combating money laundering as the FIIE Unit. They include the Anti-Corruption Commission (ACC), the public prosecution, the Serious Fraud section of the police, the National Economic Conduct Inspectorate (NECI), the Zimbabwe Revenue Authority (ZIMRA), and the Economic Research Unit. The FIIE Unit acceded to requests to include a small number of participants from each of these institutions in the workshop. 63 participants attended the workshop, of whom 58% were from the FIIE Unit, 3% from the ACC, 2% from the Attorney General's Office, 1% from the police, 2% from NECI, 1% from ZIMRA, and 2% from the Economic Research Unit. Resource persons comprised the rest of the group.

## **Methodology**

The workshop programme combined presentations, half of them on PowerPoint, with discussions and case studies. Ten resource persons, drawn from ISS researchers, the FIIE Unit, Price WaterHouse, serving and former Interpol sub-regional bureau operatives, the Southern Africa Human Rights Trust made presentations and led discussions on issues relevant to the workshop. Navine Beekarry, head of the Independent Commission Against Corruption in Mauritius until the end of September 2005, also gave insight into the challenges of anti-money laundering investigations.

A task team that included the ISS and the FIIE Unit put together the programme at the end of June 2005. Several thematic areas were identified and included. They were:

- The nature of money laundering in Zimbabwe
- The nature of money laundering around Zimbabwe
- The structure and depth of contemporary responses to money laundering in neighbouring and other relevant countries
- Challenges of detecting and investigating money laundering
- Strategic issues in preparing money laundering prosecutions
- Human rights implications of anti-money laundering policies and measures
- Applicability of prevailing anti-money laundering policies and measures to cash-dominated and semi-formal economies

On account of the numbers involved, workshop participants were split into two sessions. The first session ran from Tuesday 27 to Friday 30 September, 2005, while the other session ran from Monday 3 October to Thursday 6 October 2005.

To optimise opportunities for detailed discussion of the issues on the penultimate and final days, by the end of the second day of each session, participants constituted three working groups, and each assigned specific topics. Each group was required to choose a facilitator, to lead topic analysis and formulation of recommendations. The outcomes of group engagements were presented in plenary.

## **Expected outcomes**

The immediate outcomes as defined by the objectives were:

- an appreciation among participants of the current situation in Zimbabwe regarding economic crime and money laundering;
- an understanding of the optimal structures and mechanisms to tackle money laundering;
- clarity on the role and mandate of the various relevant structures;
- a Financial Intelligence Inspectorate and Evaluation Unit that is better prepared to discharge its anti-money laundering responsibilities;
- consciousness of what can be achieved in the short to medium term, and what cannot; and
- identification of needs for further or better training and the required resources

Conclusions reached by the participants at various stages of the workshop gave an indication of the extent to which these outcomes have been attained. Evaluation forms completed by some of the participants also indicated the extent to which success was achieved. The workshop drew up a set of recommendations, which are annexed to this report.

## **Acknowledgments**

This workshop emanated from discussions between, for the ISS - Charles Goredema and Mukelabai Mukelabai, and for the Reserve Bank - Mirirai Chiremba, Patrick Machaya, Judith Nyamuchanja Arthur Manase, Willard Samhungu, Henry Mkurazhizha. Their tireless efforts, complimented by the support of the Governor of the Reserve Bank, Dr Gideon Gono, and the remarkable energy of colleagues Nomzi Gwintsa, Aletta Gweshe, Oripa Jaji and Nobuntu Mtwana are unlikely to be ever fully applauded. The success of the workshop owed as much to them and the resource persons, as it did to all the participants. The workshop was made possible by the generous support of the Royal Norwegian government and the Reserve Bank of Zimbabwe.

The workshop was unfortunately overshadowed by a series of tragedies. Mukelabai Mukelabai, who had put in so much work into the planning, withdrew from the workshop on the eve of its commencement. On the third day of the workshop, it was with extreme shock and horror that we received news of his death in Cape Town. During the workshop, three resource persons lost close

relatives on account of accidents and ill health. The ISS and the Reserve Bank of Zimbabwe pays tribute to Mukelabai Mukelabai for the excellent work in preparing for the workshop. May his soul rest in eternal peace, and may the Lord assist his family in bearing the immense pain they are experiencing with fortitude and hope. Tribute is also due to Ray Goba, Bothwell Fundira, Mirirai Chiremba and Judith Nyamuchanja, for persevering with their assignments at the workshop in the wake of the terrible losses they suffered.

## **WORKSHOP PROGRAMME**

**TUESDAY, 27 SEPTEMBER 2005**

**0815 Registration**

**SESSION 1 - Facilitator: Arthur Manase,**  
Deputy Director (Legal),  
Reserve Bank of Zimbabwe

**0900 General introduction and overview**  
**Charles Goredema,**  
Senior Research Fellow  
Institute for Security Studies

**1000 The nature and incidence of money laundering in Zimbabwe**  
**Bothwell Fundira,**  
Investment analyst  
MIPF, Zimbabwe

**1100 Refreshments break**

**1130 Money laundering and responses to money laundering in the sub- region**  
**Charles Goredema,**  
Senior Research Fellow  
Institute for Security Studies

**1245 Lunch**

**1400 Forensic auditing and forensic investigation**  
**Peter Goss**  
Forensic Investigator  
Price Waterhouse  
South Africa

**1515 Refreshments break**

**1530 Forensic auditing and forensic investigation (continued)**  
**Peter Goss**  
Forensic Investigator  
Price Waterhouse  
South Africa

**1630 Closing remarks from the chair and end of session**

**WEDNESDAY, 28 SEPTEMBER 2005**

**SESSION 2: Facilitator – Webster Ngundu**

Head of Bank Use Promotion,  
Reserve Bank of Zimbabwe

**0900 The mandate of the Financial Intelligence Inspectorate and Evaluation Unit, its capacity and operating environment**  
**Mirirai Chiremba**  
Director  
Financial Intelligence Inspectorate and Evaluation Unit  
Reserve Bank of Zimbabwe

**1000 Detecting money laundering: who should do it, and how?**  
**Ray Goba**  
Office of the Prosecutor General and Office of the  
Government Attorney  
Namibia

**1100 Refreshments break**

**1130 Contemporary approaches to tracing and seizing criminal assets, including parallel civil and criminal procedures**  
**Phillip Muziri**  
Minerals Marketing Corporation of Zimbabwe,  
formerly Economic Crimes prosecutor in the Attorney General's  
Office  
Zimbabwe

- 1245      **Lunch**
- 1400      **Combating economic crime, including money laundering:  
Implications for human rights**  
**Noel Kututwa**  
Deputy Director  
**SAHRIT**
- 1515      **Refreshments break**
- 1530      **Combating economic crime, including money laundering:  
Implications for human rights**  
**Noel Kututwa**  
Deputy Director  
**SAHRIT**
- 1630      **Closing remarks and end of day 2**

**THURSDAY 29 SEPTEMBER 2005**

**SESSION 3: Facilitator – Charles Goredema**  
Senior Research Fellow  
Institute for Security Studies

- 0900      **Critical issues in AML compliance**
- risk based approaches to money laundering
  - co-operation in combating money laundering and terrorist financing
  - associated AML institutional structures
  - protection of ‘whistle blowers’
  - Implications of combating money laundering and terrorist financing for correspondent banking

**Nomzi Gwintsa**  
Researcher,  
Institute for Security Studies

- 1000 **Professional intermediaries and money laundering: comparative lessons from South Africa (summary and discussion of paper)**  
**Angela Itzikowitz**  
Attorney, Edward Nathan  
South Africa
- 1100 **Refreshments break**
- 11.30 **Group discussions**  
**Working group sessions**
- **Group 1: Uses of information and communication technology in combating money laundering and terrorist financing**
  - **Group 2: Identification of money laundering activities facilitated by cash economies, and developing ways to combat them**
  - **Group 3: Building (on) co-operative relationships within and beyond the law enforcement sector against money laundering**
- 12.45 **Lunch**
- 14.00 **Working group sessions**
- 1515 **Refreshments break**
- 1530 **Working group reports and proposals – presentations and discussion**  
**Group 1**
- 1630 **Closing remarks and end of day 3**

**FRIDAY, 30 SEPTEMBER 2005**

**SESSION 4: Facilitator – Charles Goredema**  
Senior Research Fellow  
Institute for Security Studies

- 0900 Strategic and practical considerations in evidence gathering and prosecution**  
**Frank Msutu,**  
National Railways of Zimbabwe
- 10.00 Working group reports and proposals – presentation and discussion**  
**Groups 2 & 3**
- 1100 Refreshments break**
- 1130 Way forward, and exploration of further training needs and opportunities**
- 1230 Closure of workshop and Lunch**

**MONDAY, 3 OCTOBER 2005**

**SESSION 1: Facilitator – Judith Nyamuchanja**  
Head of Anti-Money Laundering  
Reserve Bank of Zimbabwe

- 0900 Welcome and Introduction**  
**Charles Goredema,**  
Senior Research Fellow  
Institute for Security Studies

- 0930**      **Money laundering and responses to money laundering in the region**  
**Charles Goredema,**  
Senior Research Fellow  
Institute for Security Studies
- 1115**      **Refreshments break**
- 1130**      **Professional intermediaries and money laundering: comparative lessons overview of South Africa and Zimbabwe (summary and discussion of Angela Itzikowitz' paper and Law Society application)**  
**Arthur Manase**  
Deputy Director (Legal)  
Reserve Bank
- 1245**      **Lunch**
- 1400**      **Challenges and costs of investigating money laundering**  
**Navin Beekarry**  
Former Commissioner  
Independent Commission Against Corruption, Mauritius
- 1515**      **Refreshments break**
- 1530**      **Challenges and costs of investigating money laundering**  
**Navin Beekarry**  
Former Commissioner  
Independent Commission Against Corruption, Mauritius
- 1630**      **Closing remarks and end of session**

**TUESDAY, 4 OCTOBER 2005**

**SESSION 2: Facilitator – Charles Goredema**

Senior Research Fellow  
Institute for Security Studies

- 0900**      **Detecting money laundering: who should do it, and how?**  
**Ray Goba**  
Office of the Prosecutor General and Office of the  
Government Attorney  
Namibia
- 1015**      **Contemporary approaches to tracing and seizing criminal  
assets: a police perspective**  
**Andrew Beleng**  
Economic Crimes Section  
Interpol sub-regional bureau  
Harare
- 1115**      **Refreshments break**
- 1130**      **Strategic and practical considerations in evidence gathering  
and prosecution**  
**Frank Msutu,**  
National Railways of Zimbabwe
- 1245**      **Lunch**
- 1400**      **Combating economic crime, including money laundering:  
Implications for human rights**  
**Noel Kututwa**  
Deputy Director  
SAHRIT
- 1515**      **Refreshments break**

- 1530 **Combating economic crime, including money laundering:  
Implications for human rights**  
**Noel Kututwa**  
Deputy Director  
SAHRIT
- 1630 **Closing remarks and end of day 2**

**WEDNESDAY 5 OCTOBER 2005**

**SESSION 3: Facilitator – Charles Goredema**  
Senior Research Fellow  
Institute for Security Studies

- 0900 **The nature and incidence of money laundering in Zimbabwe**  
**Bothwell Fundira,**  
Investment analyst  
MIPF, Zimbabwe
- 1015 **Critical issues in AML compliance**
- risk based approaches to money laundering
  - co-operation in combating money laundering and terrorist financing
  - associated AML institutional structures
  - protection of ‘whistle blowers’
  - Implications of combating money laundering and terrorist financing for correspondent banking
- Nomzi Gwintsa**  
Researcher, Institute for Security Studies
- 1115 **Refreshments break**
- 1130 **Working group sessions**
- **Group 1: Uses of information and communication technology in combating money laundering and terrorist financing**

- **Group 2: Identification of money laundering activities facilitated by cash economies, and developing ways to combat them**
- **Group 3: Building (on) co-operative relationships within and beyond the law enforcement sector against money laundering**

**1245 Lunch**

**1400 Working group sessions**

**1530 Working group reports and proposals – presentation and discussion  
Group 1**

**1630 Closing remarks and end of day 3**

**THURSDAY, 6 OCTOBER 2005**

**SESSION 4: Facilitator – Charles Goredema**  
Senior Research Fellow  
Institute for Security Studies

**0900 Working group reports and proposals – presentation and discussion  
Groups 2 & 3**

**1100 Refreshments break**

**1130 Workshop recommendations**

## WORKSHOP RECOMMENDATIONS

### To government

- Zimbabwe should ratify the relevant international Conventions, in particular the United Nations Convention on Trans-national Organised Crime adopted at Palermo in 2000.
- Zimbabwe should enter into mutual legal assistance agreements/treaties with all countries in Southern Africa and with other relevant countries
- The existing legislation which has a bearing on money laundering should be updated and consolidated
- Reverse onus should be introduced for money laundering and corruption prosecutions
- The rules on admissibility of evidence should be reviewed to make it easier for recordings by certain surveillance and detection devices to be more readily acceptable to the courts.
- Economic crimes courts should be established
- Government should prioritise measures to stabilise the economy
- All entities that deal in cash should be obliged, on a threshold basis, to report suspect transactions. Motor vehicle dealers and retailers of high value luxury commodities should have customer due diligence and reporting obligations.
- Government should ensure that economic crime investigators are well paid to ensure that their attention is not diverted through corruption or activities to supplement income.

### To the FIIE Unit

- Having regard to the linkages between money laundering and organised crime, the FIIE Unit should identify and establish a working relationship with agencies engaged in combating organised crime
- The AML Advisory committee should meet more frequently
- The Unit should build relationships with SARPCCO and Interpol, and harmonise activities with different arms of law enforcement, to prevent duplication, conflicts and client fatigue

- The FIIE Unit should establish strategic alliances with telephone service providers to ensure swift tracing whenever needed.
- The Bank Use Promotion and Suppression of Money Laundering and Serious Offences (Confiscation of Profits) Act should be revised
- The FIIE Unit should publish information on the nature and effects of money laundering for public information
- The FIIE Unit should publicise its activities and performance in a manner which does not compromise its effectiveness or relations with other agencies
- Memoranda of understanding with other nations should be signed
- The Unit should be pro-active in detecting indications of money laundering
- Forensic audit and investigation is a critical area, in which further training should be conducted
- More attention should be paid to developing capacity in documentation, research and analysis

### **To designated institutions**

- Should comply with AML guidelines and reporting requirements
- The use of alternatives to cash transactions should be encouraged, through conducive cost structures
- Bank use should be promoted, partly through facilitating greater access to banking institutions (more banks in the rural and remote areas) Smaller denominations should be phased out.
- Create database systems that are interlinked to facilitate monitoring of transactions across institutions.

### **To other law enforcement agencies**

- As criminals tend to take advantage of fragmentation in law enforcement, a multi-sectoral approach to combating money laundering is imperative, and law enforcement organisations should not work in isolation.
- Bureaucratic impediments to effective investigation should be identified and removed.
- A secure database commonly accessible to all law enforcement agencies should be set up and maintained, modelled on the Interpol sub-regional database (ROCCISS)
- More serious attention should be given to pursuing money laundering charges in economic crime prosecutions. If necessary, the Director of Public Prosecutions should engage with agencies involved in combating economic crime to select test cases.
- Investigating personnel in FIIE, the Revenue Authority, the Anti Corruption Commission and police should be better trained and equipped
- Appreciation of economic crime including money laundering by the judiciary and lawyers is a priority. The judiciary, Judicial College and Law Society of Zimbabwe should be engaged with a view to initiating

- familiarisation exercises in combating money laundering and terrorist funding
- Familiarity with computer systems and related devices should be included in standard training.
  - Communication channels to allow reporting of money laundering activities by the public should be opened up.

### **Workshop evaluation**

All who took part in the workshop thought that the workshop generally met their expectations, with 39% stating that they benefited from all sessions. 44% believe they benefited more from the presentation on “**Forensic auditing and forensic investigation**” by Peter Goss than from the others. 11% regarded the session on the implications of combating economic crime, including money laundering for human rights to be of little benefit.

Participants described the workshop as educative, informative, detailed and based on actual examples. The overall sentiment was that the quality could be improved if more emphasis was placed on practical concepts such as forensic auditing and investigations. The literature (in the form of workshop papers) that was provided would be useful in the future. The topic on human rights was not sufficiently linked to money laundering.

The break up of the workshop into small groups was seen in positive light, although about 3% of participants thought the three groups were too many.

Suggestions for enhancing future workshops by the ISS or the Reserve Bank were solicited from participants, with the following results:

- Some respondents felt that the facilitators should come from various fields as anti-money laundering cannot be championed by lawyers alone (other experts in the private and public sector should be involved, and from other countries)
- The use of Reserve Bank jargon which is not understood by participants from outside the Bank should be discouraged
- There should be more group work at the workshop
- There must be continuity of these workshops, in that others should be organised soon
- Material should be structured to take account of work related experiences
- The programme should be received in advance for the sake of preparation
- External presenters should be given more time for presentation
- A full week should be given for forensic investigation which is more directly related to our daily work

30% of the participants thought the workshop was **excellent**, while 67% felt it was **good**. As regards the workshop arrangements, all participants considered the arrangements to be good, well planned, adequate, even exceptional.

**ISS/RBZ Anti- Money Laundering Workshop, Harare, Zimbabwe.  
27 September – 6 October 2005  
List of Participants**

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