

CHAPTER 4

ORGANISED CRIME IN ZIMBABWE

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1. Introduction

There is a general presumption world-wide that when one mentions the term ‘Organised Crime’, reference is often made only to the more established and world famous syndicates such as the Cosa Nostra, the Mafia or the Yakuza. Such a perception overlooks the fact that syndicates developed from simple criminal activities by individuals. These individuals were either joined or they joined others after meeting in places of common experience such as prisons or while engaging in related activities on opposite sides such as in the illicit trafficking in Narcotics; one being the seller and the other one being the user or buyer. Such loose knit gangs are initially localised and if they exist for a considerable length of time they strengthen themselves and establish regional relationships. The success of such organised criminal groups results in the mushrooming of other organised criminal groupings. The formation of such illicit groupings is precipitated by the lack of a concerted regional approach to police cross-border organised criminal activities and many other factors.

Organised crime is a serious threat to Civilisation, Economic and Social Development. It affects effective Government and has a debilitating impact on Public Health, Safety, Welfare and Morals. The whole world is aware of the dangers of Organised Crime and various individual countries’ strategies have been employed with varying degrees of success and failure. Criminals have no respect for established national boundaries in their manoeuvres and therefore, the law abiding global village must come to-

gether, act in concert and common purpose and deliver a decisive blow on this vice.

While numerous attempts have been made to define "Organised Crime" there appears to be no globally accepted definition of the term. However there appears to be general consensus that the key elements are firstly the perpetration of criminals acts by groups of individuals and secondly the exhibition of ingenuity and sophistication in the commission of crime; whether it be by a group or a single person. The central issue therefore is that there should be a systematic marshalling of effort by individuals or groups of individuals designed to disturb or infringe the social rights of others through aggression aimed at their persons or property. It involves conscious or rational planning and ordering of human or other resources into a particular pattern to enable the achievement of a particular goal.

Now, having said that, I shall now proceed to analyse the question of why and how criminals are able to organise themselves in such a way against the background of modern policing. The answer lies in that there still exist numerous factors in favour of criminality. Globalisation in its entirety has enabled rapid exchange and interaction in culture, ideas and technologies which can be exploited for both lawful and unlawful ends.

Proceeds of crime are not subject to any taxes and can be siphoned across borders without hinderance or bureaucratic procedures. The criminal is also able to move freely across borders unlike law enforcement agents who face cumbersome procedures and are bound by international law and conventions. To make matters worse effectiveness and efficiency of judicial machineries and law enforcement agencies vary from country to country. This therefore means that criminals are able to go into safe havens to enjoy their ill gotten gains without fear of arrest and repatriation for trial. As if that is not enough the criminals are even audacious enough to 'export their skills' to their new domiciles.

It is important at this juncture to state that organised crime is not the existence of known crime syndicates with known names, structures and resources. By the very nature of crime, Organised Crime cannot be allowed to formalise its existence in this way. What needs to be acknowledged is that individuals and groups regularly engage in well planned and executed criminal acts. Once they have accomplished their mission these individuals or groups tend to go underground while some may be brought to book. They may resurface or re-organise after a lull or following stints in prison. They exist alongside lawfully established corporates with legitimate objec-

tives but indulging in illegal practices to enhance their profits. A third group also exists which may be driven by political or religious motives and engages in destabilising activities of a very dangerous nature like bombings and other forms of terrorist attacks. These exist in various shades in many countries around the world and differ mainly in terms of level of organisation, sophistication, motive and mode of operation. Most countries have their fair share of these groupings.

2. The Zimbabwean Experience; Nature and Extent of Organised Crime

Zimbabwe together with other countries in the Southern African sub-region has not been spared by the scourge of organised crime. From time to time new dimensions of and more sophisticated criminal activities have surfaced. A number of foreigners and locals have been apprehended while engaging or for involvement in criminal activities showing signs of linkages with other local or foreign associates. Major areas of operation have been drug trafficking motor vehicle thefts, passport fraud, money laundering and armed robbery.

A. Motor Vehicle Thefts

The crime of theft of motor vehicles was a relatively unknown phenomenon in Zimbabwe until independence in 1980. It has since mushroomed with the influx of people from various parts of the world who had developed expertise in theft and disposal of vehicles on the black market. The situation was exacerbated by a shortage of vehicles and spare parts in the early eighties coupled with lack of exposure of the Wedding force under reconstruction in dealing with this phenomenon. The situation was further compounded by the lenient sentences that were meted out by the courts for this crime. In general the Zimbabwean society was literally taken by surprise by the wave of vehicle thefts. A well organised network existed in which vehicles were broken into, hot wired, driven away, resprayed reupholstered, identification numbers falsified, re-registered and disposed of. In some cases the vehicles were stripped of vital components and the bodies dumped while parts were sold on a buoyant black market.

Such was the sophistication of the operation that it could take only a single day to complete leaving the police chasing shadows, for some time. Authorities had to revamp the vehicle registration system and legislation to combat the growing menace; as a new dimension set in with vehicles being

driven across borders for disposal by the criminals.

Legislation was introduced, outlawing unauthorised possession of vehicle number plates, punching kits, and instruments suspected to be used to break into vehicles. Stiffer penalties for kindred offences were introduced to deter offenders with jail terms of up to ten years where previously a convicted criminal would have been jailed for only one year.

Other measures put in place to deal with this form of organised crime included Computerisation of motor vehicle registration records, training of police personnel, formation of specialised units, and making it compulsory for police clearance to be obtained prior to disposal of a vehicle. Tighter controls were also instituted at border posts to monitor cross border vehicle movement.

On the other hand the introduction of security devices on vehicles like central locks and alarms has also helped a lot.

All these aforementioned measures have made the stealing and selling of stolen vehicles more difficult and risky necessitating much more homework on the part of those contemplating it. Major successes in prevention and detection of theft of motor vehicles have thus been scored although the crime is still with us.

B. Drugs

Traditionally in certain parts of the country Zimbabweans cultivated herbal cannabis known in the country as "Mbanje" for medicinal and personal consumption purposes. Prior to 1980 there was no drugs problem in the country and hence nothing of interest in the area of organised drug trade. However, over the past decade the scenario has changed with an upsurge in dagga consumption and trade as well as the introduction into the country and the region of 'hard drugs' like cocaine, heroin and mandrax. This has been largely due to external influences as evidenced by the arrest of several foreign nationals in connection with drug related offences.

Some form of organised drug network emerged in 1981 when about 100,000 tablets of a psychotropic substance commonly known as mandrax or methaqualone were seized at Harare International Airport. Ever since numerous seizures of the drug have been made mostly destined for South Africa suggesting the existence of a well beaten drugs path from Bombay passing through Zimbabwe. The consistency of the route and the elaborate efforts to conceal the drugs show a clearly orchestrated plan to facilitate shipment of the drug. The country remains to this date largely a conduit of

the drugs to their places of consumption.

The trend in illicit traffic in methaqualone has replicated itself in the cases involving cocaine and heroin. In the case of the latter two, of significance was and remains the involvement of nationals of some West African countries. Fortunately Zimbabwe is, yet if ever, to come a significant consumer of these hard drugs.

A cause for serious concern to the Zimbabwe Republic Police and other services in the region is the problem of large scale trafficking in Indian Hemp or Dagga. Herbal Cannabis has regrettably developed to be a cash crop. Large quantities have been and continue to be seized while en route to markets in various parts of the world, in this case including Zimbabwe. The drug is smuggled by boats, cars, trains or commercial trucks in quantities of up to a tonne. Recent arrest of two Mozambicans and a Zimbabwean led to the exposure of the existence of a drug ring based in Beira, Mozambique with a branch in Zimbabwe's capital.

The development of appropriate technologies for use in smoking, processing, packaging and concealment of the drug shows how clearly organised the trade is. In the 1995 and mid 1996 brick moulding equipment was found to have been converted for use in compressing dagga in Harare and the smaller town of Karoi. In both instances there was involvement of foreign nationals. In July 1995 a South African national was arrested at Harare International Airport with 28 'bricks' or cubes of the drug strapped around his body; while en route to London. The brand of the drug suggested that it had originated from the Middle East.

This lucrative illicit trade has grown in sophistication to the extent that in one case a haulage truck was escorted for about 200 kilometres while carrying 1,232 tonnes. The drugs which were from Malawi were seized in Harare and three people a Dutch, a Malawian and a Zimbabwean national were arrested in connection with the shipment. The major factors contributing to the continued trade are the big demand due to the High Tetra Hydro Cannabis content and favourable growing climatic conditions in Malawi. This has tended to maintain the lucrative prices and high rewards in the trade. Measures put in place by the authorities to deal with the problem include strengthening the capacity of drugs unit through training, use of sniffer dogs, stiffer penalties, tightening of border control checks and public awareness programmes.

C. Crimes of Violence

In the Zimbabwean context organised crime of a violent nature has tended to be mainly in armed robberies targeting banks, vehicles conveying cash, public service vehicles, shops, public institutions like schools and individuals known to be carrying large sums of cash or valuables. Isolated cases of attempts to spring arrested criminals have also been experienced. It is in this area where one usually sees the classic examples of occasional getting together of a small number of persons for the commission of offences. The arrests of one member of the group has usually led to the total liquidation of the gang. In some cases the plots are hatched by criminals who meet in prison. The presence of a lot of firearms in unauthorised hands in the aftermath of prolonged armed conflicts in the region has contributed to the escalation of robbery cases involving lethal weapons. The advent of peace in the region should usher in greater co-operation amongst police forces in the region leading to seizure of arms and arrests of the culprits.

D. Economic Crimes

The most harmful economic criminal is the one who exploits legal access and abuses his position of trust, for personal gain. This usually manifests itself through fraudulent practices and corruption.

Mushrooming of organised economic crime in Zimbabwe can be traced to the days of shortages of foreign currency at a time when the economy had not opened up. Various schemes to circumvent controls were devised including abuse of export retention scheme allowances. The chief culprit in this case were bank officers who connived with brief case businessmen to obtain and sell export retention scheme rights.

The country also faced problems of illegal externalisation of funds through well arranged over valuing of imports and undervaluing of exports commonly referred to as transfer pricing. However, the opening up of the economy has taken care of some of these problems. Such practices still occur though on a lesser scale because some individuals feel that the tax regime in the country and the restrictions on how much one can repatriate are not favourable.

The exploitation of legal access to commit organised economic crime has been most noticeable in financial institutions and public offices charged with procurement and processing of public payments. Prominent features in this regard include 'ghost' purchases, forgery of cheques, theft of cheques and other fraudulent bank transactions. In most cases there is connivance

with insiders who facilitate the activities using their positions in the victim organisation.

Strategies to stem this problem have included greater co-operation between financial institutions and the police to tighten the security measures as well as regular updating of skills of police officers dealing with these cases.

3. Measures to Combat Organised Crime

Fighting organised crime should start with minimising of opportunities and unsettling the criminal's state of readiness to be involved in crime. Strategies should include the elimination of precipitating conditions, increasing the possibility of arrests and incarceration as well as enhancing the capabilities of those involved in law enforcement. These can be broadly categorised as prevention, detection and investigation and documentation.

A. Prevention

Increased police visibility creating an impression of omni-presence has always yielded tremendous success in combating crime. Such presence can be on point duty, road block, guard, foot patrol, cycle patrol, mounted patrol, vehicle patrol or dog patrol. This gives the impression that police are everywhere and thus opportunities for successful commission of crime are minimised. In this respect Zimbabwe has also mobilised the public to participate in policing in realisation of the fact that for centuries members of society were closely involved in the policing process at preventative and repressive level. This participation in our experience is in the form of forming Neighbourhood Watch Committees and joining our Police Constabulary which augment patrol efforts of the regular members. This strategy leads to a great presence of the police on the streets and a good flow of criminal intelligence. Public participation in policing also ensures that there is no mutual suspicion, aloofness, apathy or hostility with public passivity converted to active participation.

In the area of prevention, Zimbabwe has reaped immense benefits from public education programmes on crime. Increased public awareness on crime issues makes citizens less vulnerable and the criminals job more difficult. The programmes targeted at all sections of society are firmly in place in Zimbabwe and inter-agency liaison has facilitated the exchange of useful crime information.

An indirect but very effective tool in crime prevention is the imposi-

tion of stiff and thus deterrent penalties for any form of organised crime. This can be highly effective if coupled with an efficient detection system as it necessitates a thorough risk assessment prior to the commencement of any criminal action.

B. Detection

As the results of detection strategies can be empirically assessed the effectiveness is easy to measure. Zimbabwe has put in place measures to assess such effectiveness and enhanced capacity to do so through regular training and review of methods. The introduction of hot lines and suggestion boxes, creation of specialist units and development of effective intelligence networks have in our experience proved invaluable in busting organised crime.

C. Investigation and Documentation

The use of a teamwork approach, to deal with organised crime with clearly set goals and standards, has kept criminal gangs on the run with barely any time to regroup. The teams have been able to gather information on suspects, wanted persons and habitual criminals, while closely monitoring any patterns or peculiarities in modes of operation.

The benefits of synergy are also reaped when mental resources are pooled towards a common objective. This has a positive impact on the quality of crime documentation.

D. Legislation

Enabling legislation has also assisted the cause against crime greatly. This legislation in Zimbabwe enables police to arrest suspects and seize articles used in commission of crime. In this regard authorities are also allowed to freeze bank accounts and proceeds associated with crime; to facilitate investigation.

4. Comparative Evaluation of Various Anti Organised Crime Measures

As can be discerned from the preceding sectors of this expose, measures taken in Zimbabwe to combat organised crime have been mainly to do with prevention, detection, investigation and documentation. These strategies have been augmented by initiatives aimed at dealing with the phenomenon in a regional context. They can be itemised as:-

- Promoting policing by popular participation through public awareness campaigns, hot lines, suggestion boxes, neighbourhood watch committees and a police voluntary constabulary.
- Strengthening law enforcement agencies by empowerment through enabling legislation.
- Creation and development of specialised units to deal with various forms of organised crime.
- Promoting multi-agency co-operation in dealing with various forms of organised crime.
- Developing a criminal records system which allows for monitoring of criminal activities of an organised and sophisticated nature.
- Imposition of stiffer penalties or sentences for convicted criminals involved in organised crime.

The following comments at this stage need to be made in respect of the aforementioned measures. The promulgation of enabling legislation for law enforcement agencies is incumbent if the police are not to watch helplessly while organised crime prospers. There is however a need to ensure that individual human rights of innocent and law abiding citizens are not unduly infringed. Also paramount is the need to guard against abuse of such legislation.

Public participation has always yielded immense benefits to all in policing. Care however needs to be taken to ensure that the system is not derailed by criminals. The use of specialised teams should be employed only as long as the need is justified. These can always be disbanded when their existence becomes irrelevant.

A criminal records system which enables monitoring of organised crime is a very valuable planning tool, in dealing with organised crime.

On punishment, the adage 'Punishment' must fit the crime, still obtains. However where a criminal has indicated an intention to perpetuate crime by being a member of an organised gang this should be considered an aggravating factor.

5. Proposed Measures to Combat Organised Crime

It needs to be appreciated that while individual countries' initiatives are necessary they may not suffice if there is no regional or global co-ordination. This is because of the transnational dimension of organised crime. An integrated approach is necessary so as to minimise criminal opportunities and eliminate precipitating conditions regionally or even globally.

The following measures are therefore advocated:

- Establishment of formal regional police consultative structures to facilitate joint investigations and exchange of intelligence and information on organised crime.
- Establishment of regional centres or bureaus for the collection, collation and dissemination of information on crime in general and organised crime in particular.
- Lobbying governments for harmonisation of legislation resulting to confiscation of proceeds of crime and mutual assistance in criminal matters .
- Recommending to governments the removal of legislative impediments to freer movement of law enforcement agents in pursuit of criminals across borders, extradition of wanted persons to places of trial and repatriation of proceeds of crime.
- Simplification of procedures for conclusion of mutual assistance agreements.
- Simplification of procedures for obtaining and supplying of evidence on criminal proceedings across borders.

It is envisaged that these and any other initiatives will eliminate safe havens for criminals and remove hinderance to effective global co-operation in combating organised crime.

6. Conclusion

If we accepted that second only to war crime present the greatest threat to human survival it is imperative that cooperation of law enforcement agencies against this common enemy is enhanced.

Concerted and integrated efforts to regain a comparative advantage over organised crime are not optional. In our sub region [Southern Africa] bold steps towards greater regional integration have been taken with the creation of an Interpol Sub Regional Bureau in Harare and setting up of consultative structures under the Southern African Regional Police Chief Co-operation Organisation.