



CITY OF HARARE

Departmental Memorandum

Your Ref:

Vote:

Date: 02 July 2020

Ref:

FROM: CHIEF SECURITY OFFICER

TO: A/CHAMBER SECRETARY

RE: DISCIPLINARY HEARINGS FOR EMPLOYEES IMPLICATED IN THE LAND SCANDAL REPORT OF 2019.

The above matter is pertinent.

An investigation was done and completed sometime in 2019 and it implicated a number of council officials. Apparently no action has been taken against these employees up to this day despite the fact that the report was favoured to the relevant authorities. The report is now being resubmitted so that disciplinary action against the employees named in that report can be taken. The report is attached hereon as *Annexure 1*.

Respectfully forwarded.

DR C TONGOWONA

CHIEF SECURITY OFFICER

HARARE METROPOLITAN POLICE

tc/

cc Director of Works

Harare water Director

Director of Housing and community services

Finance Director

[City of Harare Land Scandal]

[Report]

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City of Harare Land Scandal

An Investigation Team was tasked to conduct investigations into the alleged illegal land deals involving city council employees and related parties and to compile a report of their findings.

On completion of the exercise, the report would form the basis of action against the alleged perpetrators of the illegal land deals that potentially could prejudice council of receipts running into millions of dollars.

This report thus presents facts of the case although work could not be completed in some areas because the main culprit was allowed to remain in a position which he unfortunately used to destroy evidence and to intimidate witnesses.

There is however, enough evidence to prove beyond reasonable doubt that there was wrong doing that amounts to criminal acts.

Preamble

The City of Harare has been beset by numerous challenges, management failures and seemingly a collapse in the provision of services to the residents and the business community.

On a number of occasions in the past, the City of Harare has been placed under the management of Commissions as a strategy to salvage it from its perennial capability challenges and yet nothing seems to change.

On this occasion, the illegal sale of Council residential stands has broken out but the investigation will focus on Kuwadzana. However there is acceptance that the city fathers, top management and rank and file are all involved in illegal land deals that are costing Council millions of dollars in lost revenue.

Following some information by a whistle blower in connection with illicit land deals, a team of investigators from Harare Metropolitan Police was set up to find out the exact nature of these deals. Investigations proceeded accordingly and the findings are contained in the report below.

1.0 Problem

1.1 Massive illegal sale of City of Harare residential stands/land between 2015 and 2019 in Kuwadzana Township.

1.2 In the course of business one citizen who acted as a whistleblower reported that there was rampant illegal sale of council land principally by the Acting Human Capital Director Matthew Marara and the Principal Housing Officer Edgar Dzehonye.

1.3 The residential stands in question were sold through the agency of junior council employees, student attachees, registered and unregistered real estate agents and other freelance agents

2.0 Response and action

2.1 Following the revelations of the details in 1.0 which were in violation of the laid down policy, processes and procedures, an official investigation into the allegations was instituted with the objective to establish the veracity of the claim and the extent of prejudice to Council, the impact on the Council waiting list, the potential reputational risk and the political implications on and stability of Harare City Council.

2.2 The matter was also reported to ZRP Commercial Crimes Division (CCD) DR 134/09/19

3.0 Team of Investigators

The team comprised of five (5) investigators with clear terms of reference to report findings on completion of the exercise.

4.0 Terms of Reference

- 4.1 To diligently investigate the illegal sale of council land starting with Kuwadzana Township from 2015 to 2019 and the identities of the persons involved.
- 4.2 To establish the identity of persons responsible for capturing illegal land transaction into the BIQ system.
- 4.3 Establish the availability of an associated documentation regarding the illegal land transaction.
- 4.4 To report progress and findings on completion of tasks directly to the Head Public Safety.
- 4.5 To immediately report any interference with investigations.

5.0 Organization of Work

Responsibilities were distributed as follows:

- 5.1 The Head Public Safety with the overall responsibility and accountability of the investigation.
- 5.2 Investigations Team Leader responsible for the actual investigative work, daily briefings to the Head Public Safety and coordinating daily work activities.
- 5.3 1(one) Sergeant responsible for intelligence gathering and statement recording.
- 5.4 3 (three) Operatives responsible for document management, secretarial and ancillary tasks.

6.0 Investigations

Our principal source of information was council official records. The bulk of our work entailed examination of records at various council offices. This was necessary to establish the history of allocations and transactions relating to a given piece of land to ensure accuracy in our findings.

The team also:

- 6.1 Collected and examined policy information and standard operating procedures (S.O. Ps).
- 6.2 Conducted field visits to verify the status of the stands reported to have been sold illegally.
- 6.3 Inspected land and information records at the Surveyor General's office and in the department of physical planning.
- 6.4 Retrieved fraudulent files which were in the custody of Kuwadzana District Officer Rudo Chigocha following a tip off from an informant who alleged that fraudulent files were in the process of being created to cover up the illegal stand sales.
- 6.5 Prepared a list of unlawful and irregular allocations specifying particulars of the lands and the persons to whom they were allocated, the date of allocation and agreements of sale and the particulars of subsequent dealings in the pieces of land concerned and their current ownership and development status.
- 6.6 Inspected G.I.S. records (stand numbering records) at the Town Planning Division.
- 6.7 Sought expert assistance to retrieve B.I.Q data in the quest to ascertain the identity of persons involved in the illegal creation of property and sundry accounts.
- 6.8 The investigation team also inquired into and ascertained:
 - 6.8.1 The identity of persons to whom such stands/land were/was allocated unlawfully or by irregular means.

6.8.2 The identity of any council employees involved in such allocations and other subsequent illegal processes.

6.8.3 The identity of any other persons representing themselves or council employees in the illegal sale of council land.

6.9 In yet many other instances, there was no correlation between the information on the records filed at council offices and the situation on the ground. Interviews were thus conducted to verify authenticity of the former with:

6.9.1 Residents of close proximity to the land sites in question.

6.9.2 Illegal allottees themselves.

6.9.3 Council officials in charge of the processes involved in the actualization of stand allocations i.e town planning, Land survey and G.I.S, housing allocations, land valuations, revenue collection, Information Systems, Water and Sewer connections, Building Inspectorate and records management (council committees and registries section).

6.9.4 Council employees implicated.

7.0 Testing of Evidence

The investigations team verified:

7.1 the authenticity of allocation letters and agreement of sales with the Department of Housing and Community Services.

7.2 authenticity of layout plans with the city planner and Town planning registry.

7.3 and validated G.I.S information against stand index registers.

7.4 the veracity of the Minister's authority for layout plans with stands exceeding five (05) stands.

7.5 obtained a court order through ZRP to retrieve bank statements of the persons implicated in the illegal stand sales in question.

8.0 Findings

- 8.1 The investigation proved beyond reasonable doubt that there was indeed rampant and massive illegal allocation and sale of council land in Kuwadzana Township between 2015 and 2019.
- 8.2 One hundred and fifty-two (152) stands were identified as sold illegally.
- 8.3 An organized cartel of 17 council employees (tabulated below) facilitated and carefully orchestrated illegal allocations and acquisition of council stands for personal benefit.

COUNCIL EMPLOYEES INVOLVED IN ILLEGAL SALE OF COUNCIL LAND

No.	FULL NAMES	POSITION	DEPARTMENT/SECTION
1	Mathew Marara	Act. Human Capital Director	Human Capital
2	Edgar Dzehonye	Principal Housing Officer	Housing & Community Services
3	Tapiwa Gona	Operator	Public Lighting/ D.O.W
4	Tonderayi Mukora	Survey Assistant	Survey Section/ D.O.W.
5	Austin Tapiwanashe	Land Survey Technician	Survey Section/ D.O.W.
6	Rudo Chigocha	District Officer, Kuwadzana	Housing & Community Services
7	Wellington Tauya	General Hand	Housing & Community Services
8	Zvakanyorwa Mazano	Clearing Officer	Revenue Section, Finance Dept.
9	Tineyi Kureva	Meter Reader	Department Of Water
10	Gideon Machaya	Water Technician	Department Of Water
11	Alex Zandonda	Building Inspector	Building Inspections/ D.O.W.
12	Margaret George	Water Technician	Department Of Water
13	Happy Muzuva	Waitress	Department Of Water
14	Samantha Muserere	Operator	Department Of Water
15	Believer Mupawaenda	Acting District Officer S/dale	Housing & Community Services
16	Armstrong Sandasi	Ex-Student Attachee	Housing & Community Services
17	Masimbaashe Nyemba	Ex-Student Attachee	Town Planning / D.O.W.

8.4 Tapiwa Gona, then an employee of the Department of Works, was the main actor tasked by Acting Director Matthew Marara and the Principal Housing officer, Edgar Dzehonye to sell the stands in question.

A former student attachee with the City of Harare, Masimbaashe Nyemba, was also used to receive money on behalf of the Principals of the cartel.

8.5 Kennedy Shongorisho of Northway Real Estate and 3 fraudsters notorious for illegally selling council and state land namely Themba Mutsena, Sarudzai Chomunorwa and Tabeth Simango were used on various occasions to illegally dispose the council stands in question.

8.6 The persons named in paragraph 8.5 would either remit cash or deposit the proceeds from the illegal land sales into Tapiwa Gona's CABS account no.1002651433. Tapiwa Gona would then distribute the proceeds to Acting Director Matthew Marara and his cahoots. The flow of funds reflected in Tapiwa Gona's account further corroborates the existence of a separate system specifically developed to facilitate the commission of illicit land dealings. *See annexure 1 (Tapiwa Gona's Bank statement +ZRP statement attached)*

8.7 One hundred and fifty-two (152) stands valued at \$1,201 779.50 were sold for amounts ranging between US\$7000 and US\$12000 each.

8.8 In a bid to sanitize the illegal land sales, council systems and policies were manipulated in the following manner:

8.8.1 The Waiting List

The illegal allottees were issued with waiting list numbers belonging to other applicants registered on the official waiting list. The beneficiaries were never on the official council's housing waiting list as per procedure. *See Annexure 2 (populated list of registered waiting list applicants vs illegal allottees)*

8.8.2 Layout Plans

Fraudulent layout plans were created with forged authorizations or in other cases, previously approved layout plans were modified to allow addition of stands to circumvent ministerial approval, town planning processes and to fit inclusion in the official GIS system. See annexure 3 (notes regarding fraudulent layout plans in question). **NB** Ministerial approval is required for layout plans with stands exceeding five (5).

An employee (Austin Tapuwanashe) from the Department of Works created and facilitated the inclusion of fraudulent layout plans into the City of Harare GIS records.

8.8.3 Allocation Letters

Acting Director Matthew Marara signed 60 allocation letters all dated 15 February 2017 (a date meant to coincide with the period he was Acting Director of Housing and Community Services) when the actual stand sales had occurred between May 2018 to February 2019. See annexure 4 (sample allocation letter used).

8.8.4 The beneficiaries interviewed alluded to the fact that they responded to adverts posted on social media and by word of mouth between May 2018 and February 2019.

8.8.5 Investigations retrieved the allocation letters at Kuwadzana District Office which were purported to have been received from the beneficiaries when in actual fact some of the beneficiaries have not yet received allocation letters to the time of the investigation but had been told to check the existence of their accounts at the district office which accounts had already been created in February 2019. This was flouting of procedures.

8.8.6 Agreements of Sale

Agreements of sale drawn for the 60 stands mentioned on 8.8.4 were all backdated to 2015.

8.8.7 Eighty-two (82) allocations were also actualized through the use of cancelled stand numbers with agreements of sale all backdated to between 2007 and 2015, an era carefully chosen when the highest authority that used to sign Agreements of Sale was the District Officer. The majority of these transactions for cancelled stands happened in the US dollar era (2014 to 2018). *See annexure 5 (agreement of sale for allocation letter dated 2017).*

8.8.8 Pay Schemes

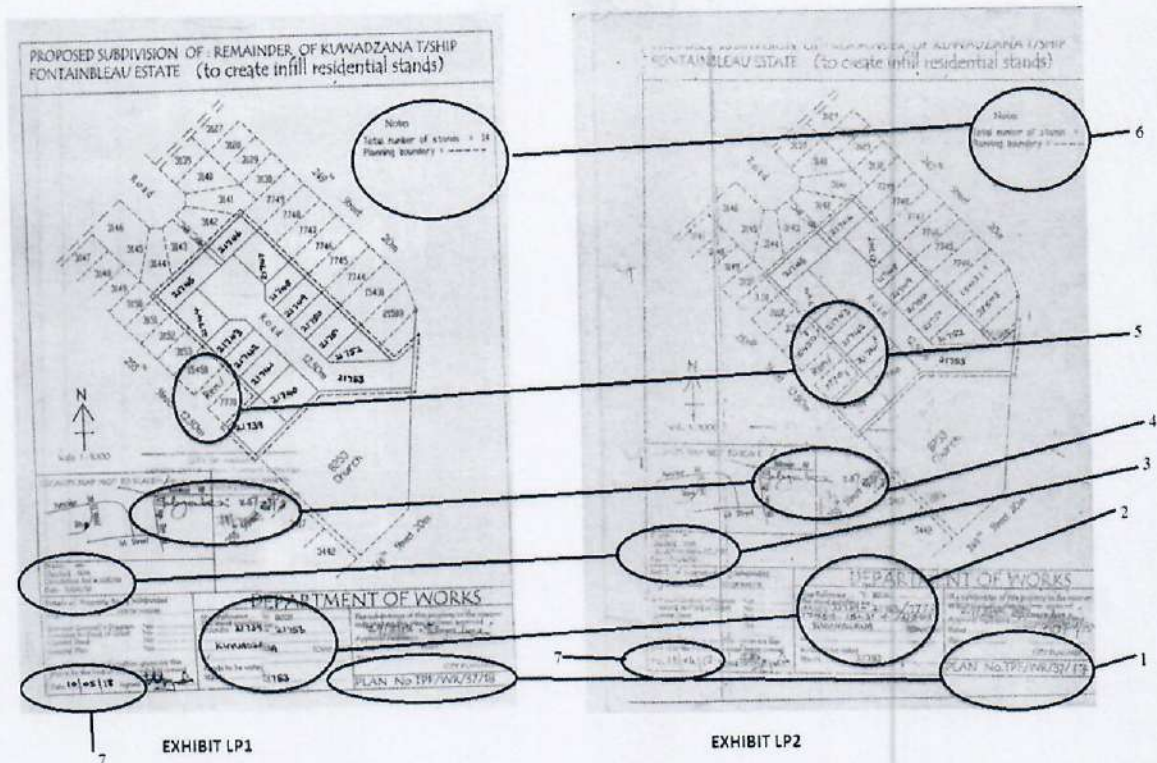
Fake pay-schemes coined Kuwadzana 3, 4, 5 and 6 were created to accommodate and sanitize 68 illegal allocations. The illegal allottees are still not aware of such membership to that arrangement. 60 falsified files for same were retrieved from Kuwadzana District Officer, Rudo Chigocha's office.

Kuwadzana 3 Paycheme

- A total of 22 stands were fraudulently allocated to 21 beneficiaries under a forged layout plan no TPF/WR/37/17 and one beneficiary under 3707/1 for the fictitious Kuwadzana Payscheme.
- The 21 stands allocated under the forged layout plan number TPF/WR/37/17 as per provisional allocation letters dated 15.02.17 had stands ranging 21734-21737 & 21739-21752, 15431, 15450 and 21530
- 1(one) stand 21738 was allocated under TPF3707/1 as per provisional allocation letter also dated 15.02.17.
- Layout plan TPF/WR/37/17 quoted in the 21 dubious allocations was in actual fact a plan for a church stand in

Dzivarasekwa, according to the official records at the Town Planning Division.

- Upon further inquiry, it was noted that stand range numbers 21734-21738 are registered on the official stand index cards at Department of Works (GIS) as being under plan number TPF3707/1.
- Stand range 21739-21752 was captured as being under plan no TPF/WR/37/18 and not TPF/WR/37/17.
- Stands 15431 and 15450 are registered under TPF3564/1. These 2 stands had been cancelled under allocations for Tichafara Housing Cooperative.
- Layout plans TPF 3707/1 & TPF/WR/37/18 retrieved from GIS section bear forged signatures of the Town Planner, Mr Nyabezi and have no trail elsewhere except the GIS section records.
- Fraudulent housing files with respect to 21 stands depicted under a forged layout plan number TPF/WR/37/17 and 1 stand under layout plan number 3707/1 were found in District Officer Rudo Chigocha's office after a tip off from an informant.
- The 22 files contained photocopied documents, a provisional allocation letter dated 15.02.17, layout plan (TPF/WR/37/17), a letter demanding payment of intrinsic value addressed to a non-existent chairman of a dubious Kuwadzana 3 pay scheme.
- The illegal beneficiaries were issued with waiting list numbers belonging to other applicants registered on the official waiting list.
- Demolition notices were served on 06 July 2019.



NOTES

1. Layout plan depicted as TPF/WR/37/18 (exhibit LP1) was altered to appear as TPF/WR/37/17 (exhibit LP2).
2. Stand numbers 7770, 15450, 15431, & 21503 were added to exhibit LP2.
3. Circulation date 5/04/18 and circulation reference K/03/18 remained the same on both layout plans despite bearing different layout plan numbers.
4. The date appearing on forged signature of Mr Nyabezi on 20/03/18 exhibit LP1 was altered to appear as 20/03/17 on exhibit LP2.
5. Stand numbers labelled 15450 & 7770 on layout plan TPF/WR/37/17 (exhibit LP2) were hand written to suit other labelled hand written stand numbers. However these stand numbers are not part of the planning boundaries.
6. Number of stands on layout plan TPF/WR/37/18 (exhibit LP1) are 14 in total whereas in layout plan TPF/WR/37/17 (exhibit LP2) were not specified.
7. Date of certification by Austin Tapiwanashe on layout plan TPF/WR/37/18 (exhibit LP1) is 10/08/18 and was altered to 10/08/17 on layout plan TPF/WR/37/17 (exhibit LP2).

Kuwadzana 4 Pay Scheme

- Kuwadzana 4 pay scheme with a total of 26 stands was illegally allocated under plan no TPF/WR/82/17 and captured in the GIS records with stand range numbers 21879-21909.
- The same layout plan number TPF/WR/82/17 was also recorded in GIS records as a layout for a Strathaven location with stand range numbers entered in the stand index register incrementally on three separate occasions and on unknown dates.
- On the first occasion, the Layout was entered in the GIS records with stand range number 1089 to 1103. The same entry was altered to read as 1089 to 1109 while the same alteration was also effected on the layout plan.
- Stand range 1123-1126 was entered on another separate occasion.
- The layout plan number TPF/WR/82/17 for both Kuwadzana and Strathaven was not registered in the layout plan registers.
- The exhibit below depicts both plans which share the same layout plan number TPF/WR/82/17.
- A cooperative called Group of 8 had applied for the land in question and were in the middle of going through council processes when suddenly they were notified that the same land had been allocated to another pay scheme, only to realise that stands on the same land were being advertised for sale by Tonderayi Mukora and Tapiwa Gona.
- Interviews with residents, shop owners in the vicinity, vendors around the area confirmed the information to be true.
- Sometime in 2019 Cllr Kautsa intercepted a council grader after being called by residents in the middle of night when a council grader, whose registration number he could not

capture, was seen on site in what seemed like the first stages of road construction.

- Files for this scheme were retrieved from Kuwadzana district office records. District Officer Rudo Chigocha had left the files with her secretary on the day of her suspension.
- 33 illegal files of the same kind had been earlier retrieved from DO Rudo Chigocha's office after a tip off from a whistle blower.

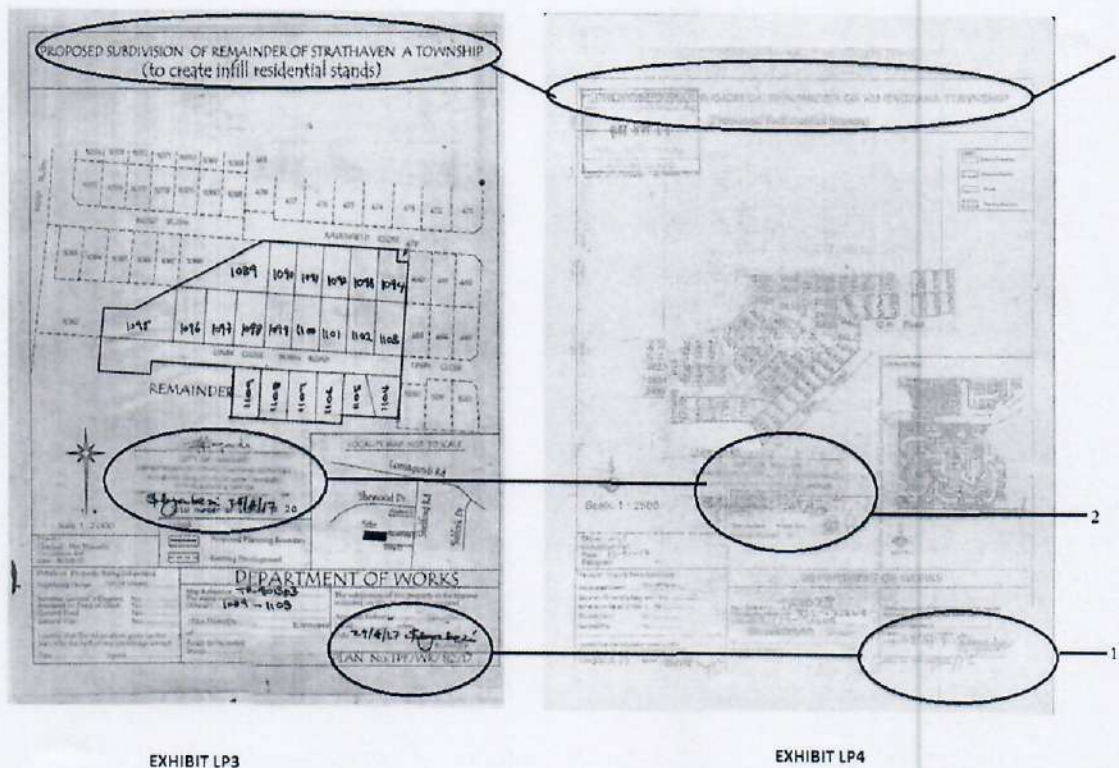


EXHIBIT LP3

EXHIBIT LP4

NOTES

1. 2 different layout plans were retrieved from GIS i.e exhibit LP3 & exhibit LP4 bear the same layout plan number (TPF/WR/82/17).
2. Both layout plans were not registered in the plan register book and plan approval book. Exhibit LP3 was signed on 29/4/17 by Town Planner Mr. Nyabezi while exhibit LP4 bears forged signature of Mr. Nyabezi with 29/3/17 as date of signature.
3. Exhibit LP3 is a layout plan for Strathaven Township while Exhibit LP4 is a layout plan for Kuwadzana Township both bearing layout plan number TPF/WR/82/17.
4. Austin Tapiwanashe certified both layout plans in acknowledgment of receipt of both layout plans at G.I.S.

16/10

Kuwadzana 5 Payscheme

- The fictitious Kuwadzana 5 pay scheme was allocated under a fake layout plan TPF 3564/2.
- Layout plan TPF 3564/2 was created using TPF3564/1 which was taken by Tonderayi Mukora on the 08 May 2018 and was never returned only to emerge as a forged revision TPF 3564/2.
- A total of 12 stands were allocated to 12 beneficiaries with stands ranging from 21860-21871.
- Layout plan 3564/2 was captured into City of Harare's GIS records (stand numbering register, stand index register and a server copy of the layout plan) without following proper procedure.
- Tapiwa Gona sold 11 stands under the fictitious layout plan TPF3564/2 through Northway Estate Agents with Estate Agent All Over Zimbabwe selling only stand number 21871 and distributed the proceeds to various council employees who are also part of the cartel. **(Names have been supplied elsewhere in the document)**
- The stand allocation numbers in the files retrieved from Kuwadzana District Office do not correspond to the physical arrangement on the ground i.e illegal allottees have different stand numbers to those at the district office.
- Demolition notices were served on 06 July 2019.

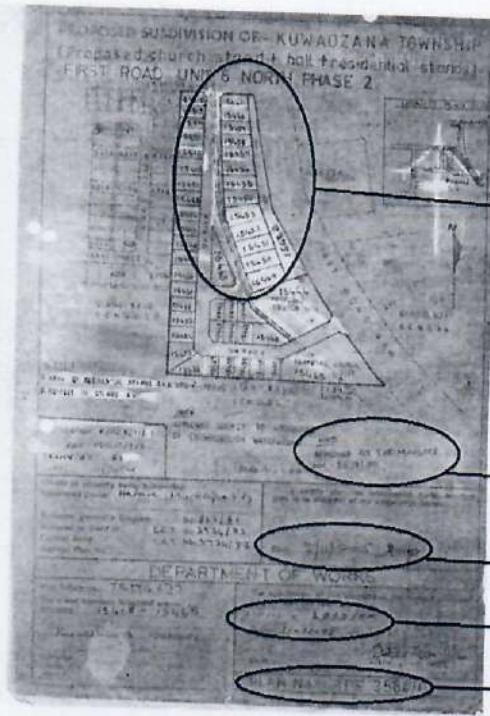


EXHIBIT LP5

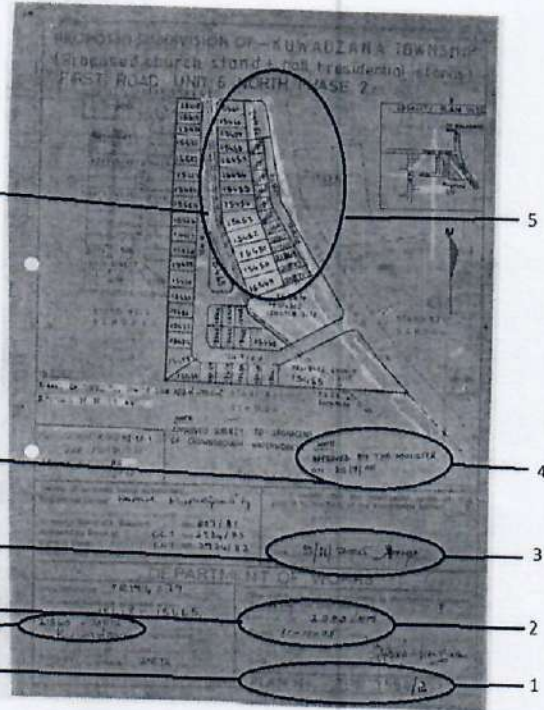


EXHIBIT LP6

NOTES

1. *Approved Layout plan TPF 3564/1 (exhibit LP5) was fraudulently altered to TPF 3564/2 (exhibit LP6).*
2. *The approval reference 2090/HM and date 11-11-05 remained the same on both layout plans (exhibit LP5 & LP6) whereas if TPF3564/2 (exhibit LP6) was a genuine layout plan it should have had a different approval reference and date of approval.*
3. *Signature of Land Surveyor Mr Bowa and date 9/11/2005 remained the same on both layout plans*
4. *Approval date 25/9/00 by the minister remained the same on both layout plans whereas if TPF 3564/2 (exhibit LP6) was a genuine Layout plan it should have had a different date of approval by the minister.*
5. *Stand number 15462 on exhibit LP5 was subdivided into 12 stands (exhibit LP6) i.e. 21860-21872*
6. *Stand numbers 21869-21872 were added on exhibit LP6*
7. *Total number of stands (44) on both layout plans have remained the same whereas if TPF3564/2 (exhibit LP6) was a genuine layout plan the number of stands would have changed.*

Kuwadzana 6 Payscheme

- **8(eight)** stands were created using a fraudulent plan number TP2F/WR/21/14 with stand range numbers 19909 to 19916.
- A report was drafted to council with various layout plans being recommended for regularization where council was hoodwinked to regularize an unapproved TP2F/WR/21/14 among other layout plans under the pretext that the location in question was already occupied. **See Council minutes attached.**
- Mr Mupawaenda Believer H.M No.613843, an Area Administration Officer, compiled the report that led to a Council Resolution (captured on 18th May 2017 of Education, Health, Housing and Community Services and Licensing Committee Minutes, Item 18) which includes Plan No. TP2F/WR/21/14 with eight stands ranging from **19909-19916**.
- Layout plan no. TP2F/WR/21/14 presented to council had forged signatures of the town planner and therefore is a nullity and to date there is no record of its approval.
- There is no trace of the beneficiaries under the scheme in question at both the District office and DHCS HQ and of all the people who were responsible and accountable for the allocation process, no one has memory of allocations at that site.
- City of Harare does not have any official record of the allocations for this site to the time of the investigation.
- Only 3 illegal allottees were found to be already in occupation. The rest of the stands are still to be developed.
- Investigations established that the stands at the site were also being advertised for sale sometime in 2018 by Tonderayi Mukora and Tapiwa Gona

Demolition orders were issued to the occupants on 04 August 2019.

Resuscitated stands

- Investigations identified a total of **82** cancelled stand numbers which were used to allocate various pieces of vacant land across Kuwadzana Township.
- Infill stands identified would be allocated previously cancelled stand numbers.
- The infill stands were sold through Themba Mutsena who is a close ally to Tonderayi Mukora and Tapiwa Gona.
- Tonderayi Mukora enjoys unfettered access to council's stand index card registers (where information for cancelled stand numbers is recorded)
- In the case of plan number TPF/WR/63/18, the original plan had been created with 5 stands with range numbers 21872 -21876.
- A forged layout plan TPF/WR/63/18 added 5 more cancelled stands (7246-7250) which were illegally allocated and recorded as having been allocated officially by the Department of Housing and Community Services.

8.8.9 Sundry Accounts

An employee (Mazano Zvakanyorwa) from finance department rendered illegal services by creating sundry and property accounts without observing due process which perpetuated further illicit deals across Council departments.

Sundry and property accounts were created in the BIQ system without following due process to enable billing, sewer and water connections i.e there is no record of the necessary authorizations and documentation as per procedure.

8.8.11 Water and Sewer Connection.

Five(5) Employees from Harare Water Department namely Margeth George, Tineyi Kureva, Happy Muzuva ,Gideon Machaya and Samantha Muserere went on to authorize applications for sewer and water connections while a building inspector from the Department of Works sneaked building plans for the same illegal stands for approval at Cleveland house.

9.0 Council employees involved in the syndicate

The following employees, with collaborative energies for their personal benefit and at the expense of council, involved themselves in defrauding council of its land.

9.1 Mathew Marara

9.2 Edgar Dzehonye

9.3 Tonderayi Mukora

9.4 Austin Tapiwanashe

9.5 Rudo Chigocha

9.6 Wellington Tauya

9.7 Mazano Zvakanyorwa

9.8 Magareth George

9.9 Tineyi Kureva

9.10 Gideon Machaya

9.11 Happy Muzuva

9.12 Alec Zandonda

9.13 Tapiwa Gona

Employees

Austin Tapiwanashe

Tapiwanashe Austin HM No. 848271 is employed as a Land Survey technician deployed in the G.I.S section of the Department of Works.

Tapiwanashe Austin, acting in the syndicate involving the illegal sale of Council land, did the following:

1. Tapiwanashe Austin, during the period 2015 to 2019, facilitated the irregular inclusion of fraudulent layout plan numbers TPF/WR/37/18 with 14 stands, TPF/WR/82/17 with 27 stands and TPF3564/2 with 12 stands into the G.I.S records and stand index registers.
2. TPF 3564/2 is a fraudulent layout plan created for the sole purpose of facilitating the illegal sale of 12 residential stands, range numbers 21860 to 21872 (**21872 is a road**).
3. TPF 3564/2 was forged from a layout revision TPF 3564/1.
4. The layout plan disappeared in the hands of survey field assistant Tonderai Mukora from Council records on 08 May 2018, only to emerge at the G.I.S section as a second revision, TPF 3564/2 on the 20th of July 2018 for stand numbering.
5. Farisayi Rupondo, a cartographic technician at G.I.S was instructed by Tapiwanashe Austin, who is her supervisor, to capture the plan details in the stand numbering register and stand index card register. She proceeded to scan the plan for record keeping after which Tapiwanashe, on the very same day (20.07.18), collected and signed for same to an unknown destination.
6. TPF/WR/37/18 is a fraudulent plan authorized and certified for stand numbering on 10.05.18 by one person Tapiwanashe with stand range numbers 21739-21752 & 21 503 and 21753(**a road**).
7. The Layout plan was received on 08/05/18 and captured in the stand index registers and stand numbering register by Farisayi Rupondo on the instruction of Tapiwanashe Austin.
8. Tapiwanashe Austin once again collected the plan himself without signing for it in the stand numbering register.
9. In a normal situation, the plan is supposed to be collected by the Town planning officials after the stand numbering process.
10. The stands under plan number TPF/WR/37/18 were sold illegally under a fictitious pay scheme dubbed Kuwadzana 3 Pay scheme sometime in 2018.

11. The layout plan TPF/WR/37/18 was created and processed to legitimize 22 allocations under the fake Kuwadzana 3 Pay scheme.
12. Investigations concluded that the same plan was then altered to read as TPF/WR/37/17 to create congruence with the dates on provisional allocation letters which had already been backdated to 2017.
13. The alteration was done to suit the existing provisional allocation template signed by RTD Major Marara when he was the Acting Director of Housing and Community Services in 2017.
14. The illegal transactions could not have been sanitized by the current Director of Housing and Community Services since the allocation was fraudulent.
15. The City planner, Mr. Nyabezi, disowned the signatures appearing on both plan numbers TPF/WR/37/17 and TPF/WR/37/18 rendering both fraudulent.
16. Tapiwanashe Austin, is also a Director of and posed as the contact person for Geosurd Consult which drew building plans for some of the stands detailed in Annexure A.

Tonderai Mukora

1. Tonderai Mukora **HM. No. 591947** is employed as a Land Survey Field Assistant by City of Harare under the Department of Works since 2009.
2. Since 2014 Tonderai Mukora has been stationed at Cleveland House working in the plan room office number 209 and his duties in the plan room, among other duties were filing of survey documents and layout plans.
3. On 08 May 2018, Tonderai Mukora borrowed an approved layout plan number TPF 3564/1 with stand range numbers 15418 – 15465 from the plan room and did not return it.
4. On 23 July 2018, Tonderai Mukora also borrowed a layout plan depicted as TPF 3707 from town plan office which he also did not return.
5. Both layout plans numbers TPF3564/1 and TPF3707 were properly approved by City of Harare.
6. Plans numbered TPF3564/1 and TPF3707 were fraudulently developed to plan Number TPF3564/2 and TPF 3707/1 respectively.
7. Plan Numbers TPF3564/2 and TPF3707/1 were then used to illegally allocate stands that were fraudulently developed by Tapiwa Gona and his accomplices.

8. In respect of Plan Number 3564/2, twelve residential stands were created with stands range **21860-21871**.
9. On plan No. TPF3707/1, five residential stands were created with stands range **21734-21738**.
10. Sometime in January 2018, Tonderai Mukora showed pegs for stand No.19909 in Kuwadzana 6 to Noel Tongwe Mutsitu, a beneficiary of an illegal stand.
11. Stand number 19909 appears on a fraudulent layout plan number TP2F/WR/21/14 which is located behind Tonderai Mukora's house number 5129 in Kuwadzana 6.
12. Tonderai Mukora was paid US\$230-00 for his services by Noel Tongwe Mutsitu. Investigations revealed that he was not deployed to perform such duties by his supervisors.
13. Tonderai Mukora was acting for a larger group/cartel of Council employees involved in the activities of illegal and fraudulent sale of Council land in greater Kuwadzana.
14. As a result of the illicit deals perpetuated by Tonderai Mukora and other accomplices, Council suffered a prejudice of one million one hundred and forty-one thousand seven hundred dollars.

DISTRICT OFFICER CHIGOCHA RUDO

1. Chigocha Rudo HM No.082015 is employed as a District Officer in the Department of Housing and Community Services.
2. On the 7th of July 2019, following a tip off from a whistle blower to the effect that D.O. Chigocha, Tonderayi Mukora, Tapiwa Gona and Zvakanyorwa Mazano were holding a meeting in the DOs office after hours and that files for fraudulent stands where we had issued demolition notices on, were in the process of being created. Investigations team proceeded to Kuwadzana District office around 4am on the 8th of July 2019 and before the opening of Kuwadzana offices as well as the change of shift by security details in a bid to authenticate the information received and ensure that no movement of files happens before their arrival.
3. 34 files for fraudulent pay schemes namely Kuwadzana 3 (22 files) and kuwadzana 5 (12 files) were retrieved from DO Rudo Chigocha's office.

4. Files for stands and houses are ordinarily kept in the Records office at the district office with a corresponding master file resident at the DHCS head office.
5. Ms. Chigocha Rudo professed ignorance as to who had brought the files in question to her office.
6. Ms. Chigocha did not verify the authenticity of the stands in question with the Director of Housing and Community Services as per memorandum from Director of Housing and Social Development dated 29 May 2017, Ref B/1.
7. Ms. Chigocha proceeded to write a memorandum directly to the late Development Control Manager, Mr G. Jumburu purporting that the stands in question were lawfully allocated.
8. After she had been issued with a suspension letter, DO Chigocha proceeded to dispatch for filing yet another batch of 26 files for another fraudulent pay scheme named Kuwadzana 4 with full knowledge that the matter was under investigation and that the composition of the files were similar to that of Kuwadzana 3 and 5 pay schemes.
9. A total of 60 fraudulent files for 60 stands allocated under fraudulent pay schemes were being kept by DO Kuwadzana herself without corresponding master files at the DHCS HQ.
10. The Housing allocations authorities denied having issued allocation letters for the 60 stands in question and refuted claims that they created the 3 fake pay schemes under which 60 stands were allocated.
11. The actions by Ms. Chigocha reinforced unlawful land allocations causing council to be prejudiced of its land.
12. Conclusion was Ms. Chigocha was acting in the interest of the cartel of Council employees involved in the illegal sale of Council land.

Wellington Tauya

1. Wellington Tauya **HM no. 852686** is employed as a General Hand in the Department of Housing and Community Services and was seconded to the Research Office from August 2018 to July 2019.
2. On the 20 August 2019, files of fraudulent pay schemes coined Kuwadzana 3, 4 and 5 were recovered from the office that Wellington Tauya and Brian Risinamodzi share at DHCS.
3. The three pay schemes were illegally allocated to 60 beneficiaries as follows;
 - Kuwadzana 3 pay scheme: 22 stands

- Kuwadzana 4 pay scheme: 26 stands
 - Kuwadzana 5 pay scheme: 12 stands
4. Wellington Tauya and Brian Risinamhodzi both professed ignorance regarding how the three illegal files for 3 fraudulent pay schemes got into their office.
 5. The Principal Housing Officer, Mr. Dzehonye confirmed that the 3 pay schemes in question are fraudulent.
 6. Investigations team retrieved interview sheets, during a search in Wellington Tauya's office, linked to the Kuwadzana 5 pay scheme for the following illegal allottees: Priscilla Tadzungaira, Mataga Nathan, Marshal Severa, Dukwara Fredrick and Nyamakura Rueben.
 7. He conducted such interviews way after the fraudulent allocation letters had been filed at Kuwadzana District Office.
 8. Wellington Tauya's conduct was meant to sanitise the illegal allocation of Council land by a cartel of Council employees involved in the illegal sale of Council land.

Mazano Zvakanyorwa

1. Mazano Zvakanyorwa HM no. is employed as a clearing officer at Kuwadzana District office in the Finance Department.
2. Mazano fraudulently created sundry accounts for 54 illegal stands under investigation without the authority of the District officer of Kuwadzana as per procedure. *Exhibit was retrieved from ICT division.*
3. On the 02 February 2019 Mazano created 45 sundry accounts without authorization from the District Officer and his supervisor the Revenue Officer
4. On 03 February 2019 Mazano created a further 9 sundry accounts still without the authority and contrary to procedure.
5. The procedure requires that for any creation of sundry accounts at a District Office, a written authorization after verification of proof of ownership by the District Officer is sent to the Revenue Manager who in turn endorses the instruction for processing by the Clearing Officer.
6. The procedure was flouted to aid the illegal sale of Council land for which Council was prejudiced.
7. In the quest to derail investigations, Mazano in the company of yet to be identified assailants and sponsors pounced on Charity Musindo's (one of

the investigators to the case) house in Budiro and threatened to petrol bomb the house. The matter was reported to ZRP homicide DR 75/08/19 refers.

Zandonda Alex

Alex Zandonda HM 900125 is employed as a Building Inspector in the Department of Works.

Alex Zandonda was stationed at Kuwadzana district office for the period 2016 to March 2019.

Building Inspector Zandonda processed plans for the following illegal stands without the approval of the district officer as per procedure:

Stand no	Illegal beneficiary	Plan approval Reference	Fraudulent payscheme name
15431	Chambe Vetus	WA54	Kuwadzana 3
15450	Chikuvanyanga Tapiwa	WA55	Kuwadzana 3
21503	Benhura livingstone	WA3361	Kuwadzana 3
21740	Joyce jack	WA2037	Kuwadzana 3
21741	Zindoga Kenneth	missing	Kuwadzana 3
19912	Muchenje tinashe	WA2810	Kuwadzana 6
7292	Manhimbe Selina	WA2439	Cancelled stand
7770	Rena Kunonga	WA924	Cancelled stand
7235	Fungai Mazungunye	WA3021	Cancelled stand

2. Zandonda did not capture the building plans in question in the plan submission book but rather sneaked them for approval at the "One stop shop "Cleveland house.

3. After approval through unscrupulous means, Zandonda proceeded to inspect building stages for stand the numbers.

4. Sometime in October 2018 Zandonda was paid \$190 for transport for site visits by the owner of stand no 21740 and proceeded to inspect only three building stages but never handed over the stage form to the owner as per procedure to date.

5. Sometime in September 2018, Zandonda received \$200 cash for plan design from the owner of stand no 21741 and a further \$100 bond for plan approval which plan has no record of approval and was never given to the owner till this day.

6. Zandonda inspected the building structure at 21741 to completion without an approved plan- a violation of the Model building by-laws of 1977

7. Zandonda Alec knowingly flouted procedure to support the illegal objectives of the cartel involved in the illegal sale of council land for self-enrichment at the expense of the organisation and consequently conferring a “ status to build” on illegal stand owners with the mutual intention to permanently deprive council of its land .

10.0 The case in question was reported at ZRP CID (Commercial Crimes Division) DR 49/09/19 refers.

11.0 Tapiwa Gona, Rudo Chigocha, Believer Mpawaenda and Margeth George have since appeared before the Magistrates Court on Fraud charges or alternatively Criminal Abuse of Office. CRB 1207-10 refers.

12.0 Unfortunately, case traction stalled at the Magistrate Courts when Acting Director Matthew Marara was to appear in court when the prosecutor ordered that the case proceed by way of summons after completion of full docket. *See annexure 6 (request for remand form (242))*

13.0 Prejudice

13.1 One hundred and fifty-two (152) stands with a total land size of **48479.38sqm** valued at **\$1,201 779.50** were illegally sold by the cartel so far and broken down as depicted below.

An official and full valuation was done for 144 stands. See annexure 8 (Valuation Report)

**8 stands for Kuwadzana 6 were calculated based on layout plans.*

Illegal stand grouping	No of stands allocated	Land size appropriated in square metres (m²)	Value in (USD)
Kuwadzana 3	22	10906	\$262 445
Kuwadzana 4	26	5 200	\$130 000
Kuwadzana 5	12	9504	\$237 600
*Kuwadzana 6	8	*2400	*\$60 000
Cancelled stands	82	20469.38	\$511 734.50
Total	152	48479.38	1,201 779.50

14.0 Conclusion

14.1 The investigation primarily focused on the actions of the cartel involved in the illegal sale of council land and the extent of their collaborative efforts in defrauding council of its land and depriving the loyal and law-abiding residents of a chance to get stands. Conclusion was made that the problem is not only unique to Kuwadzana but appears to be a city-wide phenomenon. The case of Kuwadzana is just a tip of the iceberg.

14.2 In addition to the allegations that are subject of this report and that have been investigated, several other allegations were noted throughout the investigative process for further interrogation.

14.3 The official waiting list risk being misconstrued for a money-making gimmick for city of Harare and it is not serving the intended purpose.

14.4 Council employees who continue to be at their work stations are causing challenges for investigations as they still wield influence on witnesses. There is a real possibility of further manipulations of the system to conceal illegal land allocations in other areas not yet under investigation.

Recommendations

The investigations noted that many red flags were allowed to persist for a long time to a degree that exposed council to a deplorable high risk of fraud, corruption and breach of fiduciary obligations. The numerous acquittals of some of the habitual sellers of council land and threat statements issued to investigators are a testimony of intransigent behavior and lack of remorse on the part of those that benefitted from the plunder of council land. This also seem to be giving impetus to would be offenders to continue exploiting the existing loopholes for self-enrichment. It is therefore our appeal to management to summon its will in considering applying deterrent measures by implementing the following recommendations:

- ❖ Employees named in section 9.0 appear before a disciplinary hearing for acting in the manner they did.
- ❖ Lifestyle audits be effected on employees designated in corruption prone sections.
- ❖ Regular Staff rotations should be effected to thwart undue familiarity – a fertile ground for corruption.
- ❖ Demolition notices already issued should be acted upon speedily before illegal allottees effect occupation to avoid costs associated with removals of same.

- ❖ Council should consider automating the waiting list and allocation processes.
- ❖ Update and reconcile stand allocation records both at the District and DHCS HQ level.
- ❖ Harare Water should keep records of proof of ownership attached to their corresponding applications for sewer and water connections and Location advices for audit purposes.
- ❖ District officers and revenue officers to reconcile and verify property and sundry accounts created on a monthly basis.
- ❖ Council should consider ensuring original allocation letters are used for all transactions and processes in the City of Harare.
- ❖ Council should facilitate the implementation of enforcement orders against these illegal developments.
- ❖ Departments should exercise due diligence at the point of allocation in examining the correctness of layout plans and beneficiary information.
- ❖ Noted with concern was that there were two categories of beneficiaries to the illegal land transactions i.e. the unsuspecting individuals that fell prey to these perpetrators and the allottees who were fully aware of the racket. It is against this background that we recommend that the allottees who cooperated with investigations be regularized provided they pay the full value of their stand.

15.0 Further Investigations

- ❖ We established that there are several serious cases outside our jurisdiction which require further investigations and criminal prosecution by relevant bodies and as such the matter was reported at ZRP CCD DR 49/09/19 and court proceedings have already begun CRB 1208-10/20.
- ❖ 3 Council employees and 1 former council employee are already on remand.
- ❖ A total of 13 council employees (Austin Tapuwanashe, Believer Mpawaenda, Wellington Tauya, Rudo Chigocha, Mazano

Zvakanyorwa, Tapiwa Gona, Tonderai Mukora, Tineyi Kureva, Margeth George, Happy Muzuva, Alex Zandonda, Mathew Marara and Edgar Dzehonye.

And;

(two)2 former council students on attachment Masimbaashe Nyemba and Armstrong Sandasi

And;

(two)2 former council employees (Tapiwa Gona and Alex Mushaurwa)

And;

5(five) non council employees Sarudzai Chomunorwa, Themba Mutsena, Tabeth Simango ,Joyce Musikisi and Kennedy Shongorisho are ready for prosecution.

- ❖ On the 12 February 2020, the investigations team proceeded to Bulawayo and Beitbridge in pursuit of 3 suspects name Masimbaashe Nyemba, Themba Mutsena and Armstrong Sandasi.
- ❖ Masimbaashe Nyemba and Armstrong Sandasi are former council students on attachment.
- ❖ Two other council employees Timothy Majena HM 400459 and Bernard Mkuna HM 529540 were nabbed for being complicit in alerting Masimbaashe Nyemba of the impending course of action to bring him to book to account for his actions. Masimbaashe Nyemba remains at large.

16.0 Further Recommendations

16.1 Mr Benard Mkuna and Mr Timothy Majena should appear before a disciplinary hearing to answer charges of obstructing the course of justice.

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17.0 Ethical statement

In conducting our investigations, we remained faithful and honest to the letter and spirit of our Terms of Reference and sought to do nothing more than was required of us.

Where it was necessary to follow through some leads to additional information, we proceeded with a clear understanding that such information was useful in helping us to fulfill our mandate and no information except as relevant to our investigations was collected.