



ZIMBABWEAN authorities have threatened to arrest three high-profile exiled business tycoons involved in disputes with government over controversial operations of their companies despite their recent despecification.

In remarks which are bound to shock the businessmen, Attorney-General Johannes Tomana said Zimbabwe's top business moguls, Mutumwa Mawere, James Makamba and John Moxon, still faced arrest upon returning home even after they were despecified by authorities.

Tomana told the Zimbabwe Independent this week that the despecification of the three businessmen did not absolve them of charges that could still arise from allegations of externalisation of foreign currency and defrauding government.

Makamba and Moxon were specified under the Prevention of Corruption Act following accusations of externalising foreign currency while Mawere was accused of defrauding government. The three are still holed up outside the country, fearing arrest if they returned. Mawere and Makamba, two of Zimbabwe's most successful black businessmen, have since said the allegations against them were baseless, with Makamba, a former senior Zanu PF official, this week saying he was preparing to return home following the despecification.

However, Tomana said they would face arrest if they returned. "Being despecified does not wash any real wrongdoings which can be proven. Despecification is not like an acquittal," said Tomana on Tuesday.

"People should understand that, like any other citizen, if the police find that they have a case to

answer appropriate action will be taken. It is important to find out how the responsible minister reached that decision (despecification). That way a lot of questions will be answered to a lot of people.”

Tomana’s threats could scare Makamba, Mawere and Moxon from returning.

Police spokesman Wayne Bvudzijena also warned the three of possible arrest if they returned. “Those are separate processes (despecification and facing charges of externalisation and fraud),” said Bvudzijena when asked if the three could be arrested if they returned to Zimbabwe. “If there is evidence and they have a case to answer they will face arrest. I’m not saying they have a case and neither am I saying they have no a case to answer.”

Asked if he was not afraid of arrest if he returned to Zimbabwe, Mawere said: “There are no new facts”. He said the only recourse to reclaim his companies was through the co-Ministers of Home Affairs.

“The only route for reclaiming the assets that were put outside my control by virtue of the operation of the Prevention of Corruption Act is to ask the Co-Ministers to recover such assets as required by law,” he said.

“The Prevention of Corruption Act has no provision for expropriation and now that the investigations have been completed and the co-ministers have made a determination, it is important that the law takes its own course.”

Makamba and Mawere were separately facing criminal accusations when they left the country and are only part of a long list of successful black business entrepreneurs who have faced hostility from the government. Most of them, like Mawere, say the government’s drive to push out flourishing black entrepreneurs is a serious indictment on President Robert Mugabe’s indigenisation policy.

While Mugabe and Zanu PF claim to be trying to transform the patterns of ownership of the economy to ensure blacks took charge, a number of black businessmen were hounded out of the country and out of business by government on charges which usually collapse once tested in the courts of law.

Mawere, one of the most successful black businessmen in post-Independence Zimbabwe, says government has seized and sold 26 companies of his spanning mining, banking, insurance, reinsurance, agriculture and retail. The companies, Mawere says, had a market capitalisation of US\$400 million and employed thousands of local people.

Other successful black tycoons forced to flee by Mugabe’s previous repressive regime include

bankers Julius Makoni, James Mushore, Otto Chekeche and Francis Zimuto of NMB, and Intermarket Group founder Nicholas Vingirai.

Mthuli Ncube, founder of Barbican Bank and one of Zimbabwe's leading academics, fled to South Africa where he ended up heading the Wits University Business School before joining the Africa Development Bank. Ncube was forced to leave Zimbabwe and he ended up acquiring South African citizenship. Gilbert Muponda of ENG Capital is another local businessman who fled the country during a fierce crackdown which started in 2004.

Former Finance minister Chris Kuruneri was also arrested during the crackdown for allegedly externalising funds to build a large mansion in Cape Town. He was detained for a long time before being released under strict bail conditions while the case continued.

Some of the executives, such as Makoni, Mushore and Zimuto have since returned to the country. However, upon his return, Mushore was charged but was acquitted of violating exchange control regulations.

Makamba has expressed a keen interest in returning home from the United Kingdom. Makamba was in 2004 charged with 22 counts of externalising foreign currency. When he was released after a long detention, he fled the country to South Africa and then the United Kingdom.

Mawere was arrested in South Africa in 2004. He was released on R50 000 bail and faced extradition to Zimbabwe on charges of externalisation.

Co –Home Affairs minister Kembo Mohadi this week refused to comment on the despecifications and threats of arrest. "I have no obligation to give you reasons why we came up with that decision," said Mohadi.

His co–minister Giles Mutsekwa however said the ministry had carried out their investigations and found out the three had no case to answer.

"I was determined to see justice," he said. "By law the investigations should have been complete in six months. Nothing was found which suggested that the three could face arrest," he said.

When told the police and AG had said being despecified and facing criminal charges were two different things, suggesting the three faced arrest if they came back to Zimbabwe, Mutsekwa

said: "Now that is the police and AG's interpretation, do we look the same?"

Moxon's spokesperson said he was not interested in commenting on the issue.

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