

Annex 1 [Note verbale reference: CU 2023/225/DTA/CEB/CSS]

“Links between corruption and other forms of crime”

States parties are invited to provide relevant information in line with paragraph 22 of resolution 9/1¹, in which the Conference:

*Encourage[d] States parties to further explore and enhance their knowledge of the **links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering, including during times of emergencies and crisis response and recovery**, to better strengthen integrity, transparency and accountability, and invite[d] the secretariat, within existing resources, to compile a report in this regard on the voluntary information provided by States parties and submit it to the Conference at its tenth session [emphasis added].*

States parties may wish to take a broad view of “other forms of crime” when responding to this questionnaire, which may include all forms of organized crime and economic crime, as well as other crime, among others.

Contact Information

Please provide contact details for potential follow-up questions. Contact details will be treated confidentially.

Country: Zambia

Government Agency: Anti-Corruption Commission Zambia

Department: Investigations

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¹ In July 2022, the secretariat sent out note verbale CU 2022/264(A)/DTA/CEB/CSS inviting States parties to provide information on good practices and challenges concerning international cooperation to further prevent, identify, investigate and prosecute corruption during times of emergencies and crisis response and recovery, in line with paragraphs 22 and 23 of resolution 9/1 entitled “Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery”. As at 11 October 2022, the secretariat had received responses from 23 States parties, which were analysed in a note prepared by the secretariat, entitled “Best practices and challenges concerning international cooperation in combating corruption during times of emergencies and crisis response and recovery, and efforts to further explore and enhance knowledge of the links between corruption and other forms of crime” [CAC/COSP/EG.1/2022/CRP.1]. Responses were received from the following States parties: Australia, Bahrain, Belarus, Brazil, Bulgaria, Chad, Chile, Egypt, El Salvador, European Union, France, Georgia, Italy, Mexico, , Myanmar, Panama, Portugal, Republic of Moldova, Romania, Saudi Arabia, Spain, Türkiye and the United States of America.

Questionnaire

Corruption may contribute to impunity for other types of crime by providing the leverage to facilitate and execute them, and to make them invisible, and often exacerbates those crimes through the involvement of powerful elites and individuals. Corrupt behaviour (such as violating duties, accepting or transferring bribes, and facilitating transactions, as well as ignoring or failing to follow-up on information that a crime may be taking place) may serve an enabler of other crimes by allowing for the enrichment of criminals and incentivizing individuals in the public and private sector to facilitate their operation. Other crimes can therefore flourish and in turn provide a basis for a wide range of corrupt behaviour.

This questionnaire is structured into two parts: Part 1 considers steps taken to understand the links between corruption and other forms of crime, while Part 2 focuses on the measures aimed at responding to corruption linked with other forms of crime.

I. Understanding the links between corruption and other forms of crime

1. Has your country undertaken any analyses or assessments to better understand the interlinkages between corruption and other forms of crime, including typologies of crime and how corruption may be used to facilitate and enable organized crime, economic and other crime, and vice versa? **YES/NO. NO**
 - a. If **YES**, was such analysis carried out through formal risk assessments or other methods? Please describe.
2. Please list the main typologies of other crime that have interlinkages with corruption in your country.
 - ✓ Drug trafficking
 - ✓ Money-laundering
 - ✓ Human trafficking
 - ✓ Migrant smuggling
 - Firearms trafficking
 - ✓ Crimes that affect the environment
 - Trafficking in cultural property
 - Cybercrime
 - ✓ Terrorism
 - ✓ Other forms of economic crime, organized crime or other crime with links to corruption (**please list**)
 - Wildlife trafficking
 - Forestry Trafficking

3. Please provide examples of corruption linked to these other crimes.

Please elaborate if you have or had any cases of the following in your country:

A. Corruption as an enabler of crime

- a. Cases of public officials abusing their office to facilitate criminal activity or to protect certain criminal individuals and entities – or to gain support from them – for example, by providing funding or protection or to gain and control public resources? Yes
- b. Cases of corruption being used to facilitate other types of crime, such as trafficking in persons, illicit trade or smuggling of drugs across borders? For example, have any cases involved the following:
 - ✓ the issuance of permits, licenses, visas or documents for border crossings
 - ✓ the purchasing of firearms
 - ✓ bribery of border agents
 - ✓ falsification of data in public registries
 - ✓ other Bribes to Police officers at checkpoints.
- c. Cases of corruption in public procurement to advance the interests of public officials and their associates?

Cases of officials giving preferred access to contracts and tenders to their associates in cases involving other crimes?
Yes, giving of bribes to PEPs to influence award of contracts to certain companies who in turn fund their political activities, including education sponsorship.
- d. Cases of the protection of victims of crime and corruption being impeded by corruption involving public officials or persons in the private sector? No, aware of any.

B. Corruption and crime linked to political patronage

- a. Criminal individuals and entities attempting to use corruption to obtain access to political leadership or to gain power and influence, such as through:
 - political party financing: yes, payment of bribes and funding of political party activities
 - trading in influence: Yes, big private companies have been investigated for attempts to influence the outcome of elections, appointments CEOs to Public sector positions
 - other
- b. Cases of crime and corruption being used to attempt to influence or disrupt elections? Yes, during both the 2016 and 2021 General elections in Zambia, the ACC investigated reports of some politicians trying buy their way to power and offering of gifts such as bicycles, and money including to churches in order to influence or disrupt smoothing running of elections.

- c. Cases of criminal involvement, including through the use of corruption, to attempt to influence appointments of public officials to build dependency?
- d. YES,

C. Corruption to make organized and other crime invisible

- a. Cases of criminals and their associates using proceeds of crime and corruption for personal enrichment and to conceal the origin of the crimes and for money-laundering? In particular, cases of concealment of ownership being used to facilitate corruption and other forms of crime?

Yes, A number of high-ranking politicians in the previous government with links to certain private companies have been investigated and arrested cases related to money laundering and concealment of property such as real estates suspected to be proceeds of crime. In 2022, the ACC recovered about \$ 4 million cash from a house of a lady with close links to a top former government official. The ACC seized the house in which the above stated funds were found. The house was built using stolen money from government.

- b. Cases of corruption being used to impede investigations, prosecutions and adjudications of organized and other crime, such as through bribery or allocation of political and other favors to law enforcement and judicial officers? Are there cases of corruption linked to organized and other crime not being pursued by the authorities ('blind eye')?

No, were not aware of any.

- c. Cases of individuals and entities using corruption and other crimes to generate the funds needed to buy protection from the police? Cases of corruption in law enforcement authorities used to shield organized crime?

Yes, there are cases of law enforcement officers manning checkpoints receiving bribes from criminals to allow them transport illegally acquired goods such as protected world life and forestry species such as Mukula or rosewood. In August 2023, a high-ranking police officer stationed at Lusaka international airport was arrested for allegedly receiving \$50,000 from criminals to allow a plane carrying illegal gold leave Zambia.

- d. Cases of law enforcement being impeded due to a lack of information and data, as well as reporting of crimes related to corruption? YES, some cases have been withdrawn from courts account of information loss or crucial data being lost.

4. Has your country collected data or statistics to track and/or analyze trends related to the links between corruption and the types of crime outlined in Question 2 above?

YES/NO

YES

- a. Are these data analysed and used systematically, such as in prevention and investigations or prosecutions? **YES/NO. YES**

- b. Please describe any methodologies used for strengthening measurement and terminological clarity, and achieving a deeper understanding of the different contexts (e.g. in times of peace or in emergencies or conflict situations) and sectors (e.g. law enforcement, border crossing, immigration, intelligence and security, procurement), as well as any corruption or organized crime threat assessments that take into account the interlinkages between corruption and other forms of crime.
5. Has your country collected data or statistics to track and/or analyse trends concerning international cooperation in this regard? **YES/NO.**
NO
- a. Please elaborate and share any findings with regard to the good practices and challenges in international cooperation with regard to countering corruption as it relates to other forms of crime.
6. Has your country taken any steps at national, regional or local levels to better understand and study the linkages between corruption and other crimes, such as criminological research, training or awareness raising? **YES/NO.**
- a. If **YES**, please elaborate, providing examples.
7. Which aspects of corruption as it relates to other forms of crime do you consider require further research, and what are the gaps in knowledge or understanding that, if addressed, could facilitate countering these crimes?
Crimes such as cyber and use of crypto currency as well as use of ICT to commit crimes related to corruption as well as trading in influence require further research to understand interlinkages between facilitators who may be residing in other countries, beneficiaries and victims of corruption.

II. Measures aimed at responding to corruption linked with other forms of crime

8. Has your government adopted or utilized any measures at national, regional or local levels aimed at **preventing** corruption linked with other forms of crime? **YES/NO.**
YES

- a. If **YES**, please elaborate. *Measures may include:*

The National Anti-Corruption Policy

Parliamentarian and Ministerial Code of Conduct

The Civil service Code of Conduct

SADC Protocol on Corruption Prevention

- safeguards in specific sectors (e.g. law enforcement, border crossing, immigration, intelligence and security, procurement, local officials)
- development of targeted strategies, policies, action plans at national or sectoral level specifically addressing the links between corruption and other crime
- establishment of dedicated institutional frameworks
- specific rules, codes of conduct, or standards of transparency and integrity for public officials who are most exposed to the risk of being involved in crime and corruption

- ✓ systems for the disclosure of assets and private interests
- control mechanisms, such as internal approval systems to avoid having one-to-one meetings
- ✓ controls on issuances of visas, work permits, firearms licenses
- ✓ the use of information and communication technology (ICT) based tools to prevent (or detect) such crimes
- ✓ awareness raising and prevention measures for public officials that are vulnerable to corruption and other forms of crime
- ✓ other

The Anti-Corruption Commission Zambia through its Corruption Prevention department does carry out corruption Vulnerability assessment in public institutions with a view to establish systems at risk to corruption and recommend possible ways to seal the loophole. The Integrity Committees that have been created in public and private institution also carry out corruption awareness involving public officials and come up with measures such as Gift Policy to prevent corruption and other crimes such as money laundering.

9. Has your government adopted or utilized any measures aimed at **detecting, investigating and prosecuting** corruption linked with other forms of crime? YES/NO. YES.

a. If YES, please elaborate. *Measures may include:*

- The Anti-corruption Act of 2012
- Forfeiture of Proceeds of Crime Act, 2010
- Establishment of the Economic and Financial Crimes Court in 2022.

The ACC is the country's lead institution in fighting corruption and corroborates with other agencies such as the Zambia Police Service, Drug Enforcement Commission, the Financial Intelligence Centre and others to detect, investigate and prosecute corruption linked with other crimes. The prosecution is undertaken through the National Prosecution Authority which also manages forfeited property.

All Law enforcement agencies including the ACC has toll free lines aimed at encouraging the public to report corruption and related crimes.

- ✓ legislation criminalizing all forms of corruption related to other types of crime
- ✓ legislation providing for the liability of legal persons for their role in corruption linked to other forms of crime
- ✓ measures to identify beneficial owners of legal persons
- ✓ specialized investigative techniques
- ✓ strengthened institutional frameworks, including the establishment of dedicated bodies (such as those mandated to identify links between corruption and other crime), task forces or coordination mechanisms between authorities responsible for corruption and other crime
- ✓ capacity-building, including targeted training and peer-learning for relevant authorities
- ✓ measures to enable the identification, confiscation, tracing or seizure (and, where relevant, return) of assets that are proceeds of corruption-related crimes
- ✓ mechanisms to address the role of professional gatekeepers (*i.e.* financial, legal, accounting or other relevant professionals) in the transfer of proceeds of corruption and other crime

- ✓ measures aimed at encouraging the protection or participation of actors outside the public sector, including:
 - ✓ reporting mechanisms, legal protections and incentives aimed at encouraging persons to report corruption and other crimes
 - ✓ measures to protect victims, witnesses, and cooperating offenders
 - measures aimed at ensuring the investigation and prosecution of acts of violence committed against journalists and civil society actors whose professional activity relates to corruption linked with other crimes
 - other

10. Has your government adopted or utilized any measures aimed at facilitating **international cooperation** and the rapid exchange of information for cases that have interlinkages between corruption and other forms of crime? **YES/NO**. YES

a. If **YES**, please elaborate. *Measures may include:*

- Use of Mutual Legal Assistance
- Interpol
- Bilateral and Multilateral agreements
- Association of Anti- corruption agencies
- Centre for Asset Recovery

Through corroboration at regional level, two helicopters valued at \$2.1 million were seized from South Africa and Zimbabwe respectively and repatriated to Zambia in August, 2023. The helicopters seized on non-conviction-based forfeiture were suspected to be proceeds of crime.

- ✓ the implementation of mutual legal assistance through digital means
- ✓ measures aimed at enhancing the efficiency of extradition mechanisms
- ✓ the use of electronic communication channels or networks
- the use of joint or parallel investigations or the bilateral sharing of capacity and expertise on investigating and prosecuting corruption offences linked with other forms of crime
- ✓ cooperation with other countries or multilateral, international or regional bodies to address corruption linked with other forms of crime
- ✓ accession to bilateral, regional or multilateral treaties and agreements.
- other