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funds are involved, it is a matter of abusing power and public funds for self-enrichment or of unscrupulous characters being able to divert public funds for personal use. MetBank's \$62 million exposure arises in part from a stock of treasury bills that were given by the NSSA for safe detention but were eventually used by the bank for commercial purposes. Some of these relate to loans that were put forward by the NSSA decided to go to court for help with these treasury bills, MetBank froze all transactions with the NSSA, a behavior that

affected a number of other transactions that had nothing to do with Treasury bills. It's really beyond incredible. Here is a debtor company that has time and time again benefited from public funds held by the NSSA, deciding because it is unhappy with litigation by creditors to freeze all other liabilities it owes to that lender. As mentioned, the High Court has now dismissed Metbank's claims, describing its resistance as Humpty Dumpty's defence. This is a case that should never have been brought or protected because it made no sense. Judge Nicholas Mathonsi, who ruled was brutally accurate in his assessment of MetBank fig-list defenses besides chasing a mirage that there is no agreement between the parties, the defendant has fervently pressed. He brought the entire building of the defendants' case collapsing in a hump-chattering fashion. Without any semblance of an agreement, the defendant will not have the right to keep what he does not own. He should just get it back. Undue pressure and political interference in this report, the obvious theme that manifests itself in the relationship between the NSSA and The MetBank is the exercise of undue influence by political actors and board members. This is crucial to understanding why, if managers were determined to abandon MetBank overtures for investments, the NSSA nevertheless went ahead and made an investment. According to the forensics they did so because were unjustifiably influenced by the Minister of Public Service. Labor and Social Welfare. Prisca Mupfumira and Chairman of the Board Robin Vela. The report states that the minister instructed that the NSSA Board should MetBank, despite the fact that the bank has a history of default and overdue loans to the Authority (NSSA). In another case involving a company, the real estate investment manager, the real estate investment manager alleged that the then Chairman of the Board, Robin Vela, had represented the company and pressured NSSA officials to make a quick decision to enter into a contract. This deal will be discussed in more detail below, but suffice it to say at this stage that forensic auditors have concluded that management has been rushing into making decisions in violation of investment rules and economic wisdom due to undue pressure exerted by the Chairman of the Board of Directors, Robin Vela. Of course, Mupfumira and Vela will challenge these findings of undue influence on management, and they should rightly have their day in a neutral forum to present their own protection. If it was found that undue pressure had indeed been exerted, it would amount to abuse of power, which was illegal. These issues can only be sufficiently resolved through further investigations and hearings that establish the facts. That is why the NCSA forensic report should not be the end of the matter. At the same time, it establishes, at first glance, a case that requires a deeper investigation and either a civil suit or criminal prosecution. This is largely due to a significant loss of public funds. The topics of public procurementTwo are obvious from the relationship between the NSSA and the various related parties. In all cases, there is a violation of public procurement rules and, in particular, a violation of its own investment policy and NSSA guidelines. The auditors found no evidence that the decisions necessary for board approval were submitted to the board of directors. In some cases, board approval was given after fact; long after the relationship had been formed and the contract funded by the NSSA, none of them has been put up for auction, as required by law and investment policy. This meant there was no competitive bidding for contracts that could allow the NSSA to choose a deal that would make more economic sense. Forensic examination indicates that management hastened to enter into agreements on housing projects with H'C, Metro Realty and Drawcard. Therefore, due diligence was not done to protect the interests of the NSSA and the contractors knew they were in a relationship in violation of public procurement rules. These were private arrangements that were blatantly ignored and they knew what they were in. Let's look at each of the housing projects one by one; the Housing Corporation of zimbabwe (private) Limited (H'C)According to the forensic report. H'C won a contract with NSSA worth \$304 million without going into Tender. Instead, its parent company, HAC, was put in control by NSSA's then chairman of the board of directors, Robin Vela. The Chairman is alleged to have exerted undue pressure on the NSSA leadership to promptly consume an agreement with the HCC, which allegedly pressured management to cut corners and violate the public's own investment rules. It is likely that Vela will contest these allegations. H'C was formed a week before it received a multimillion-dollar deal. While this raises questions about how such a young and inexperienced company could get such a deal so soon after birth, one explanation may be that it was a special purpose vehicle presumably to meet indigenousization and local presence requirements. (Having read the response to the Forensic Audit Report in the course of preparing this document, this is indeed what the CDC said happened).. NSSA has paid a \$16 million deposit as a prepayment quarantee against the Wintert Lyon quarantee. However, when the NSSA tried to exercise its warranty rights by claiming that the contractor had failed to comply with the terms of the agreement, the HKS took legal action and won the injunction against the NSSA. However, the fact that the contract was not put up for auction and is therefore a violation of the public procurement rules and the NSSA's own investment policy is a damning indictment against the parties involved. There are good reasons why the law insists on the rules of public procurement. Competition allows the use of public funds wisely. Open bidding is transparent, fair and helps protect public funds. Private mechanisms, on the other hand, promote nepotism, corruption and patronage. This provides an opportunity for undue influence that damages public funds. (For its part, the CDC argues that it was a different type of transaction that should not have gone through these procedures. Forensic auditors also found that the land on which the housing project was not owned by the HKS, but by an organization called Caledonia Enterprise (Private) Limited. This, they argue, is a violation of the NSSA's investment policy, which stipulates that the counter party should have ownership of the land and the ability to develop it. Had the NSSA conducted due diligence, they would have found this flaw and the fact that Caledonia itself was not registered with Companies House, as forensic auditors found in their investigations. (H'C disputes these issues, and again it's a matter for law enforcement to investigate true position). CostTo understand the problem with private transactions in such matters, let's consider the value of this transaction. The cost of each residential unit in the H'C contract was \$38,000 compared to the cost of \$25,000 per unit on a similar project undertaken by NSSA's National Building Society. While executives tried to negotiate a price cut, they argued that pressure from Vela's board chairman prevented them from doing so. As a result, according to forensic auditors, the NSSA remained financially exposed to being \$104 million for the project alone. Vela is likely to dispute this and H'C can argue that the two types of units were difference in cost. However, it is a matter for a more thorough investigation to establish whether this was the most sensible decision and if the NSSA was financially biased as a result). More pertinently, forensic auditors found that the HCH had failed to meet construction of only 53 housing units, 57 of which were still under construction, compared with a requirement to provide 250 homes within 180 days. Forensic auditors reported that when they visited the site six months after the delivery date, there was no activity - despite the fact that the NHS paid a deposit of \$16 million. When the NSSA tried to recover the deposit, which is when H'C applied and received a ban in the High Court. Have H'C ever had a delivery opportunity? Forensic auditors allege that they had no track record for such projects. Why do the NSSA Board and Management take public funds to the project without due diligence or going to auction, as required by law? It's not just negligence. This is a deliberate disregard for the law, endangering public funds. Someone has to be held accountable. However, in the interest of balance, it is important to note in the report does not contain full information about the court and arbitration case between NSSA and the HCS. H'C sought and won the ban by stopping NSSA from receiving back its deposit from Winternat Lyon Guarantee, which gave a prepayment guarantee on behalf of H'C. The judge terminated it because an arbitration case had been initiated in which the NSSA had agreed to participate and was pending. My own investigation revealed that the arbitration case between NSSA and H'C was completed in March 2019. The arbitrator awarded \$30 million in compensation to the HKS. That means the NSSA lost the case and exposed \$30 million in public funds. This is a significant loss, all due to the shortcomings of the NSSA. It is not clear why the NSSA forensic audit report did not provide this information. It really is a bomb of enormous proportions. This means that the ACCC or other law enforcement agencies should investigate why the NSSA exposed public funds in this way. Whoever is responsible for which led to the loss of the arbitration case must be held accountable. It can't be swept under the carpet. Metro Realty and DrawcardThese are the two grouped together because they are related parties and, in any case, are both linked to MetBank, a bank whose toxic toxic with NSSA has already been submitted at the beginning of this analysis. However, the role of the two organizations shows that toxicity has spread beyond the banking unit. The fact that forensic auditors have concluded that all these organizations are linked to MetBank as a common denominator is of paramount importance. This means that when the corporate veil around the entities rises, the people behind MetBank are the same people behind Metro Realty and possibly Drawcard. It also means that if these people did not have access to NSSA money through MetBank as an investment, they did the same through these other organizations disguised as separate businesses. Indeed, it is important that when MetBank froze all relations with the NSSA and refused to return treasury bills or repay credit obligations, Metro Realty also ceased to fulfill its obligations to the NSSA as part of the same protest. Nothing illustrates that they are just different fingers of one hand than this unity action against the NSSA - their common lender. Had Metro Realty indeed been separated from MetBank, it would have continued to meet its obligations to the NSSA, unaffected by the NSSA's legal dispute with MetBank. Herein is a problem: NSSA management has already expressed its reluctance to invest in MetBank because of its unreasonable financial fundamentals and poor credit history. Why would management deal with an organization that is essentially part of MetBank, albeit with a different name and corporate veil? They would have to see through the veil and refused to deal with Metro Realty because the same problems applicable to MetBank were applicable to it, too. If there was undue pressure on the leadership, as alleged in the forensic examination, it is an issue that requires a deeper investigation. Indeed, given the losses suffered by the NSSA, the criminal element was not only the abuse of office. This is a scam on a large scale. In all cases, there are various violations of the legislation, namely the NSSA Act and the home investment policy; there was evidence of undue pressure from the authorities, and the NSSA had suffered significant financial losses. It wasn't just gross negligence. Almost all stakeholders are knowingly taking part in activities that they knew or should have known violated the law and resulted in the loss of public funds. Careful reconciliation, of course, although the issues raised in the report are shocking and look simple, there is some difficulty because they involve a lot of people, organizations and a wide range of evidence. However, they show a shocking disregard for public property and the interests of the most vulnerable in society; pensioners who receive only pennies contributions. Millions of dollars are pooled out of them every year during their working lives, but those who prey on them are millions of capitalists - executives and and - who, when something goes wrong refuse to be held accountable. While much of the information contained in the Forensic Report points to misconduct and abuse of power and public funds, it is necessary to carefully harmonize the evidence presented by the various parties in order to reach a clear conclusion about what actually happened. Some of the executives who testified to forensic auditors appear to have acted in scandalous ways and may be contradictory and biased. The question of confidence in witnesses and their evidence is being checked by investigators and courts using established rules for the collection and evaluation of evidence. It is also important to note that the findings of forensic auditors can be challenged by those involved. (Indeed, at the time of writing this paper, problems have already started to come through). It may be that some of them, or not mentioned at all in the report, may also end up in the dock, and those who are alleged to have done the wrong thing may have strong explanations and protections for their conduct. However, there is no doubt that in some cases there is potentially criminal behaviour, so law enforcement agencies are required to carry out further investigation so that they build strong cases. If they are in a hurry, given the complexity, there is a risk that all or most cases may collapse in court, and those who misuse public funds or act fraudulently may be released. The forensic report provided useful data, but it was insufficient and needed to be improved for judicial review. Pentiti (those who have repented) My opinion is that if the ZAK wants to be more effective, where many, if not all, parties appear dirty hands, it may have to offer immunity deals in exchange for a complete and frank testimony from small fish that provides the conviction of big fish. They will sing for their freedom or condescension, in order to get the big thugs who stole the big from the people. They must take a piece of paper from the U.S. system, where the Securities and Exchange Commission makes deals with multiples in order to catch the big criminals. The Italian system is no different when it comes to members of the notorious mafia. They identify the pentiti (repentant/those who have repented) and give them protection in exchange for testimony against larger and more well-known bosses. From what I have read so far, not many executives and board members of the VSA or elsewhere in the public service have clean hands, some have stolen small - so-called lubricate the corrupt ones that lubricate the corrupt system for survival and the big criminals who are rich but steal from pure and unbridled greed. THE ZAK may have to make deals with some of them, lubricating, offering them deals in exchange for testimony against the big big ones Reading the report and having studied the Auditor-General's reports. I felt that many of these individuals should never hold public office or be placed anywhere near public funds. They are ticks that relentlessly suck blood from the host. But if the ACCC rushes without strong evidence, the lawyers will have a field day at the ACCC. THE ZAK can make a lot of noise with arrests, but they will suffer shameful defats in the courts if they don't get convincing testimony from anyone who knows what actually happened. The defeat of the NSSA by the HCSA is an ominous example. The NSSA may have succeeded against MetBank, but the defeat by H'C is a huge embarrassment. It's not that there's no problem. It is that the NSSA has never been sufficiently prepared in this case against the HCK. And they didn't pay off. Now the NSSA and the public face a \$30 million bill from the company that paid a \$16 million deposit but failed to fulfill its part of the deal. There can be no greater disaster for a company that is supported by public contributions. If they had a conscience, they would resign, But they don't, And zimbabweans let them. Part 2 will be presented in due course. WaMagaisa course. VaMagisa nssa forensic audit report pdf. nssa forensic audit report download

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