



## United Nations Convention against Corruption

Self-assessment Name: UNCAC Review

Country: Tanzania

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Assessor Position: Director General, Preventing and Combating Corruption Bureau

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Comments:

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## A. General information

### A. General information

#### 1. General information

**Please provide general information on the ratification and status of UNCAC in your country (use the "Use template answer" button in the answer field to see a generic text)**

##### *Ratification of the Convention*

The Convention was signed by Tanzania on 9 December 2003. C.N.1398.2003.TREATIES) It was subsequently ratified on 25 May 2005 (C.N.1398.2003.TREATIES-13). To enhance implementation of the Convention, Tanzania passed the Prevention and Combating of Corruption Act on 16 April 2007, which was published in the official Gazette on 22 June 2007

##### *The Convention and Tanzania's legal system*

Pursuant to Article 11 of the Tanzanian Constitution and Articles 9 and 10 of the Tanzanian Law on Treaties (Law No. 24/2000), a treaty such as the UNCAC that has been ratified by the House of Representatives ranks high among the laws of the United Republic of Tanzania.

**Please briefly describe the legal, institutional and political system of your country.**

The issue that much of the legislation cited is not applicable in Zanzibar should be addressed. It is acknowledged that in January 2010, legislation mirroring the mainland Anti-Money Laundering Act came into force in Zanzibar, though the Zanzibar legislation does not recognize the jurisdiction of the mainland FIU and National AML Committee. Measures are being taken in Zanzibar to establish an anti-corruption body and to harmonize legislation.

**Please list relevant laws, policies and/or other measures that are cited in the responses to the self-assessment checklist and provide them as attachments by separate email to the secretariat.**

Tanzania participated in the Pilot Review for the United Nations Convention against Corruption. The review of Tanzania's implementation of UNCAC covered 9 provisions of UNCAC and was based on the self assessment report received from Tanzania, the outcome of dialogue between the experts from the Netherlands and the United Kingdom, and an on-site visit between 30 August 2008 and 5 September 2008. The report is available at <http://www.unodc.org/unodc/en/treaties/CAC/pilot-review.html>.

Tanzania is a member of the Eastern and South African Anti Money Laundering Group (ESAAMLG). The most recent mutual evaluation can be found at <http://www.esaamlg.org/reports/me.php>. The Financial Intelligence Unit (FIU) is also a member of the Egmont Group of FIUs.

Tanzanian law enforcement authorities cooperate through the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO) and through the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO).

The PCCB is a member of the East African Association of Anti-Corruption Authorities (EAAACA).

**If applicable, please attach relevant draft bills, policies and/or other measures that you want to be taken into account in the present review**

There is a lack of financial resources to review and amend anti-corruption laws.

### **III. Criminalization and law enforcement**

#### **15. Bribery of national public officials**

##### **63. Subparagraph (a) of article 15**

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(Y) Yes**

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 15, Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of cases and attach case law if available.**

- i) Republic v. John Kinyaki Tembo; Criminal Case No 09/2010
- ii) Republic v. Mohamed Alli; Criminal Case No 302/2010
- iii) Republic v. Jamila Nzota; Criminal Case No 1090/2009
- iv) Republic v. Jacquiline Basilo Shazi Case No.280/2009

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

#### **PCCB CORRUPTION CASES STATISTICS (2005 – 2011)**

Category	Allegations Received	Cases Investigated	Ongoing Investigations	Closed Investigations	Files sent to DPP	Files returned from the DPP with Consent	Transferred Investigations	Completed Investigations	Administration Actions taken	New cases filed into Courts	Ongoing cases into Courts	Conviction Cases recorded	Acquitted Cases recorded	Total cases prosecuted	Saved Money / Asset Recovered
2005	3,121	677	1893	336	20	5	2	540	111	50	202	6	10	218	2,500,600,000
2006	6320	1528	2255	983	22	6	496	1781	209	71	205	18	28	251	1,301,492,528
2007	8235	1266	1976	1041	38	27	460	1966	280	196	272	35	45	352	1,580,099,081
2008	6137	928	2101	486	147	51	184	1038	74	147	308	37	71	416	13,203,459,357
2009	5930	884	2160	616	156	64	152	1188	40	222	369	46	73	463	436,132,336
2010	5685	870	2356	416	120	58	135	924	29	224	403	64	98	587	10,123,258,300
2011	4765	819	2546	323	143	34	84	681	30	193	435	52	61	709	4,638,939,558
<b>TOTAL</b>	<b>40,193</b>	<b>6,972</b>		<b>4,201</b>	<b>646</b>	<b>245</b>	<b>1,513</b>	<b>8,118</b>	<b>773</b>	<b>1,103</b>		<b>258</b>	<b>386</b>		<b>33,783,981,160</b>

**Source:** PCCB Head Office

## **64. Subparagraph (b) of article 15**

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

...

(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 15(1)(a), Tanzania Prevention and Combating of Corruption Act (2007)  
Sections 21-23 of the Election Expenses Act No 6 of 2010

**Please provide examples of cases and attach case law if available.**

- i) Republic v. John Kinyaki Tembo; Criminal Case No 09/2010
- ii) Republic v. Mohamed Alli; Criminal Case No 302/2010
- ii) Republic v. Jamila Nzota; Criminal Case No 1090/2009
- iv) Republic v. Anthony Joseph Mlenga Case No.410/2009
- v) Republic v. Ferdinand Manase Case No.156/2009
- vi) Republic v. Moshi Kapwacha Case No.107/2010
- vii) Republic v. Paulo Ndomba Case No.295/2010
- viii) Republic v. Adeligoth Milinga Case No.136/2010
- ix) Republic v. Daniel Mwamburuku & 2others Case No.42/2010

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

Statistics on corruption are collected on an aggregate level and not by type of corruption offence. Assistance would be needed in this area.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **65. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

**(Y) Yes**

*Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)*

**(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)**

Financial investigations are complex.

**(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc. )**

There are issues of admissibility of electronic evidence in court.

*Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)*

**(ADV) Legal advice**

Concerning admissibility of electronic evidence.

**(BEST) Summary of good practices/lessons learned**

Concerning admissibility of electronic evidence.

**(SITE) On-site assistance by an anti-corruption expert**

Use of surveillance techniques and capacity to conduct complex financial investigations.

**(OTHER) Other assistance (please specify)**

Statistics on corruption are collected on an aggregate level and not by type of corruption offence. Assistance would be needed in this area.

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

**(P) Yes, in part**

**Who provides such assistance?**

StAR has provided 4 workshops on financial investigations linked to asset recovery.

**If such assistance is provided in the context of a programme or project, please provide a description and attach the relevant document(s).**

*Would the extension and/or expansion of such assistance help your country adopt the measure(s) described in the article under review? (Check one answer)*

**(Y) Yes**

## **16. Bribery of foreign public officials and officials of public international organizations**

### **66. Paragraph 1 of article 16**

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(Y) Yes**

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 21(1), Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of cases and attach case law if available.**

There have been no cases of bribery of foreign public officials or officials of public international organizations.

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

## **67. Paragraph 2 of article 16**

2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(Y) Yes

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 21(2), Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of cases and attach case law if available.**

There have been no cases.

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

There have been no cases

## **68. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## **17. Embezzlement, misappropriation or other diversion of property by a public official**

### **69. Article 17**

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 28, Tanzania Prevention and Combating of Corruption Act (2007)  
Section 29, Tanzania Prevention and Combating of Corruption Act (2007)  
Section 120, Penal Code  
Section 319, Penal Code

**Please provide examples of cases and attach case law if available.**

- i) Republic **v.** Jacob Likanda George & 2 others Ecc.01/2010-(s.28)
- ii) Republic **v.** Bernard Zabron Nsokola & 2 others Case No.53/2010 (s.28)
- iii) Republic **v.** Charles M.Rweyemamu Case No.248/2010 [s.28(1)]
- iv) Republic **v.** Robert Juma Lushanga Case No.541/2010(s.28)
- v) Republic **v.** Sijela Pagala Ecco.No.01/2010(s.29)
- vi) Republic **v.** Songoyo S.Simbila & 4 others Case No.26/2011 (s.29)
- vii) Republic **v.** Mohammed Khalifa Mnyagani Case No.04/2009-(s.29)

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

Statistics on investigation, prosecution, acquittals and conviction of cases of embezzlement [IC for record]

- i) Criminal case No 2/2009; Republic Vs Philemon Mpanju
- ii) Economic case No 1/2011; Republic Vs Chediel Msuya
- iii) Economic Case No 4/2011; Republic Vs Silvanus Kilowoko
- iv) Economic Case No 1/2011; Republic Vs Deogratius Nguli & 3 Others
- v) Economic case No 02/2011; Republic Vs Ally Chaga
- vi) Criminal Case No 17/2011; Republic Vs Said Abdalah Muya
- vii) Criminal Case No 1/2012; Republic Vs Haji Mandeke

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

The third party benefit is not covered by Section 28 of PCCA.

## **70. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## **18. Trading in influence**

### **71. Subparagraph (a) of article 18**

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(Y) Yes

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 33(1), Tanzania Prevention and Combating Corruption Act (2007)

**Please provide examples of cases and attach case law if available.**

There have been no cases

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

## **72. Subparagraph (b) of article 18**

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

...

(b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(Y) Yes

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 33(2), Tanzania Prevention and Combating Corruption Act (2007)

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

**Please provide examples of cases and attach case law if available.**

There have been no cases

## **73. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(Y) Yes

*Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)*

(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

Trading in influence are complex cases

*Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)*

(BEST) Summary of good practices/lessons learned

A summary of good practices from other countries would be useful.

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

(N) No

## 19. Abuse of functions

### 74. Article 19

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(Y) Yes

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 31, Tanzania Prevention and Combating of Corruption Act (2007)  
Section 94, Penal Code  
Section 96, Penal Code

**Please provide examples of cases and attach case law if available.**

- i) Republic v. Basil Mramba & 2 others Case No.1200/2008
- ii) Republic v. Simon Eliezer Jengo & 2 others Ecco.09/2009
- iii) Republic v. Amatus Liyumba Case No.105/2009

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

Statistics on investigations, prosecutions, acquittals and convictions for abuse of position under Section 31 of the Prevention and Combating of Corruption Act 2007 - Ongoing Prosecutions:

- a) Economic Case No 9/2009; Republic Vs Eligius Masare & Another
- b) Criminal Case No 6/2010; Republic Vs Majid Myao & Another.
- c) Criminal Case No 25/2010; Republic Vs Suzan Mahu
- d) Criminal Case No 88/2011; Republic Vs Celestine Mganga
- e) Criminal Case No 11/2010; Republic Vs Joseph Mchome
- f) Criminal Case No 6/2010; Republic Vs Murshid Kalumuna
- g) Criminal Case No 12/2010; Republic Vs Shem Thomas Ntahongasigaye
- h) Criminal Case No 94/2010; Republic Vs Anthony Kasonta

## 75. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## 20. Illicit enrichment

### 76. Article 20

Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(Y) Yes

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 27, Tanzania Prevention and Combating Corruption Act (2007)  
Section 26, Tanzania Prevention and Combating of Corruption Act (2007)

NB: The mens rea of "corrupt intent" as in other sections of the PCCA is not required; a motive must however be established. It is a criminal strict liability standard under the PCCA. It would be useful if PCCB could also investigate the private sector for illicit enrichment, though not required by the Convention.

**Please provide examples of cases and attach case law if available.**

There are illicit enrichment cases presently under investigation. The challenge is the complex financial reconstruction of the case.

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

## **77. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(Y) Yes

*Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)*

(INTACO) Inter-agency co-ordination

(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc. )

(MYSYS) Specificities in our legal system

(COMPRI) Competing priorities

(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

*Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)*

(SITE) On-site assistance by an anti-corruption expert

**Additional support may be useful (training and equipment).**

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

(N) No

## **21. Bribery in the private sector**

### **78. Subparagraph (a) of article 21**

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:

(a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 15, Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of cases and attach case law if available.**

There have been no cases involving the private sector, as the law is only in force since 2007. Allegations are received, but the cases take time to work through the system.

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

Cases need to be investigated and prosecuted under the new PCCA section.

## **79. Subparagraph (b) of article 21**

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:

(b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 15, Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of cases and attach case law if available.**

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

**As above.**

## **80. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(Y) Yes

*Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)*

(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

Investigative skills and prosecution techniques need strengthening. Training should involve judiciary, DPP, PCCB and police. PCCA is not well understood by judges.

*Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)*

(BEST) Summary of good practices/lessons learned

Best practices from the UK would be useful from high profile cases in the UK.

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

(Y) Yes

**Who provides such assistance?**

External providers, but the training has been unsuccessful. Resource persons who understand the anti-corruption law, not just the criminal laws, are needed.

**If such assistance is provided in the context of a programme or project, please provide a description and attach the relevant document(s).**

Pakistan.

*Would the extension and/or expansion of such assistance help your country adopt the measure(s) described in the article under review? (Check one answer)*

(Y) Yes

## **22. Embezzlement of property in the private sector**

### **81. Article 22**

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally in the course of economic, financial or commercial activities, embezzlement by a person who directs or works, in any capacity, in a private sector entity of any property, private funds or securities or any other thing of value entrusted to him or her by virtue of his or her position.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 28(2)-(4), Tanzania Prevention and Combating of Corruption Act (2007)

Section 29, Tanzania Prevention and Combating of Corruption Act (2007)

Section 314, Penal Code

**Please provide examples of cases and attach case law if available.**

Embezzlement cases under the Penal Code when sent to DPP are referred to the police and not brought forward. There have been few cases under the PCCA because DPP prefers to have cases under the Penal Code.

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

Institutional reform: DPP should allow the institution that conducted the investigation to complete it.

## **82. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(Y) Yes

*Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)*

(INTACO) Inter-agency co-ordination

Institutional issues: DPP should allow the institution that conducted the investigation to complete it. As an independent institution, PCCB should be allowed to complete the case.

*Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)*

(SITE) On-site assistance by an anti-corruption expert

Training is needed by someone who understands these issues.

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

(Y) Yes

**If such assistance is provided in the context of a programme or project, please provide a description and attach the relevant document(s).**

Framework agreement with DFID and institutions.

**Who provides such assistance?**

An agreement with DFID was reached to fund DPP, FIU, PCCB and judiciary on criminal justice programmes and capacity building needs and improve performance (about to commence). A common understanding of the institutions is needed.

*Would the extension and/or expansion of such assistance help your country adopt the measure(s) described in the article under review? (Check one answer)*

(Y) Yes

## **23. Laundering of proceeds of crime**

### **83. Subparagraph 1 (a) (i) of article 23**

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(Y) Yes

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 12, Anti Money Laundering Law  
Section 34, Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of cases and attach case law if available.**

- i) Republic v. Marcus Masila & 6 others Case No.146/2010
- ii) Republic v. Justice L. Katiti & 3 others Case No.147/2010
- iii) Republic v. Justice L. Katiti & 3 others Case No.149/2010
- iv) Republic v. Justice L. Katiti & 5 others Case No.152/2010

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

## **84. Subparagraph 1 (a) (ii) of article 23**

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(Y) Yes**

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 12(c), Anti Money Laundering Law  
Section 71, Proceeds of Crime Act

**Please provide examples of cases and attach case law if available.**

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

## **85. Subparagraph 1 (b) (i) of article 23**

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

...

(b) Subject to the basic concepts of its legal system:

(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(Y) Yes**

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 12(d), Anti Money Laundering Law  
Section 34, Tanzania Prevention and Combating of Corruption Act (2007)  
Section 311, Penal Code  
Section 72, Proceeds of Crime Act

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

**Please provide examples of cases and attach case law if available.**

## **86. Subparagraph 1 (b) (ii) of article 23**

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

...

(b) Subject to the basic concepts of its legal system:

...

(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counseling the commission of any of the offences established in accordance with this article.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(Y) Yes**

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 12(e), Anti Money Laundering Law

**Please provide examples of cases and attach case law if available.**

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

## **87. Subparagraphs 2 (a) and 2 (b) of article 23**

2. For purposes of implementing or applying paragraph 1 of this article:

(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;

(b) Each State Party shall include as predicate offences at a minimum a comprehensive range of criminal offences established in accordance with this Convention;

*Has your country adopted and implemented the measures described above? (Check one answer)*

**(P) Yes, in part**

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 3, Anti Money Laundering Law

**Please provide examples of cases and attach case law if available.**

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **88. Subparagraph 2 (c) of article 23**

2. For purposes of implementing or applying paragraph 1 of this article:

(c) For the purposes of subparagraph (b) above, predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 2 (1), PCCA

Section 6 (b), Penal Code

**Please provide examples of cases and attach case law if available.**

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **89. Subparagraph 2 (d) of article 23**

2. For purposes of implementing or applying paragraph 1 of this article:

(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

*Has your country furnished copies of its laws to the Secretary-General of the United Nations as prescribed above? (Check one answer)*

(N) No

*Please attach the text(s)*

**Please attach the text(s)**

- i) The Proceeds of Crime Act
- ii) The Anti - Money laundering
- ii) The Prevention and Combating of Corruption Act
- iv) The Penal Code, Cap 16

**The Secretary-General would be grateful if Governments would send the aforementioned information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations, 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org).**

## **90. Subparagraph 2 (e) of article 23**

2. For purposes of implementing or applying paragraph 1 of this article:

(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence.

*Does your country's domestic system contain fundamental principles as referred to in the provision above? (Check one answer).*

(N) No

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Tanzania's laws provide that a person can be committed both for the predicate offence and the offence of money laundering.

**Please provide examples of cases and attach case law if available.**

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

## **91. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(Y) Yes

*Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)*

- (INTACO) Inter-agency co-ordination**
- (INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc. )**
- (MYSYS) Specificities in our legal system**
- (COMPRI) Competing priorities**
- (LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)**
- (LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)**

*Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)*

- (BEST) Summary of good practices/lessons learned**
- (MOLEG) Model legislation**
- (DRAFT) Legislative drafting**
- (ADV) Legal advice**
- (SITE) On-site assistance by an anti-corruption expert**
- (PLAN) Development of an action plan for implementation**

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

- (P) Yes, in part**

If such assistance is provided in the context of a programme or project, please provide a description and attach the relevant document(s).

**Who provides such assistance?**

StAR has provided 4 workshops on financial investigations linked to asset recovery.

*Would the extension and/or expansion of such assistance help your country adopt the measure(s) described in the article under review? (Check one answer)*

- (Y) Yes**

## 24. Concealment

### 92. Article 24

Without prejudice to the provisions of article 23 of this Convention, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally after the commission of any of the offences established in accordance with this Convention without having participated in such offences, the concealment or continued retention of property when the person involved knows that such property is the result of any of the offences established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

- (P) Yes, in part**

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 12(c), Anti Money Laundering Law  
Section 71, Proceeds of Crime Act  
Section 34 of the Prevention and Combating of Corruption Act

**Please provide examples of cases and attach case law if available.**

Statistics on investigations, prosecutions, acquittals and convictions for transfer of proceeds of corruption under Section 34 of the Prevention and Combating of Corruption Act 2007 - Ongoing Prosecutions:

- i) 2 ongoing cases of transfer of proceeds of corruption under section 34 of the Prevention and Combating of Corruption Act 2007. [PCCB Head Quarters:]
  - a) Criminal Case No 152/2010; Republic Vs Justice Lumima Katiti & 5 Others
  - b) Criminal Case No 82/2012; Republic Vs Kajala Masanja

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

PCCB is the first institution to take cases of money laundering and concealment to court, and so there is limited experience with the enforcement of relevant legislation. Cases are complicated to investigate and prosecute.

### **93. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

***Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)***

(Y) Yes

***Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)***

(MYSYS) Specificities in our legal system

PCCB is the first institution to take cases of money laundering and concealment to court, and so there is limited experience with the enforcement of relevant legislation. Cases are complicated to investigate and prosecute.

***Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)***

(ADV) Legal advice

Legal advice is needed

**(SITE) On-site assistance by an anti-corruption expert**

Training on the enforcement of legislation

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

**(N) No**

## **25. Obstruction of justice**

### **94. Subparagraph (a) of article 25**

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences established in accordance with this Convention;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 108, Penal Code

Section 109, Penal Code

Section 110, Penal Code

Section 111, Penal Code

Section 52 of the Prevention and Combating of Corruption Act No 11/2007

**Please provide examples of cases and attach case law if available.**

There have been no cases because of difficulties in proving intimidation.

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

There have been no cases.

### **95. Subparagraph (b) of article 25**

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences established in accordance with this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public official.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(s), law(s) or other measure(s).*

Please cite the text(s)

Section 114A, Penal Code  
Section 36, Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of cases and attach case law if available.**

There have been no cases.

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

There have been no cases.

## **96. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## **26. Liability of legal persons**

### **97. Paragraphs 1 and 2 of article 26**

1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in the offences established in accordance with this Convention.
2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.

*Has your country established one or more of the forms of liability referred to in the provision above? (Check one answer)*

(P) Yes, in part

*Please cite the applicable measure(s)*

Please cite the text(s)

Section 14, Anti Money Laundering Law  
Section 23, Proceeds of Crime Act  
Section 73, Proceeds of Crime Act  
Section 5, Penal Code (definition of person)  
Section 4, Interpretation of Laws Act

*If available, please provide information on cases involving the participation of legal persons in offences established by this Convention (statistics, types of cases, outcome). Please provide per annum figures, as available.*

**Please provide examples of implementation**

There have been no cases.

*If available, please provide information on cases involving the participation of legal persons in offences established by this Convention (statistics, types of cases, outcome). Please provide per annum figures, as available.*

There have been no cases.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

There have been no cases.

## **98. Paragraph 3 of article 26**

3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.

*Has your country established one or more of the forms of liability referred to in the provision above? (Check one answer)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

ection 14, Anti Money Laundering Law

**Please provide examples of implementation, including recent cases where both natural and legal persons were liable**

There have been no cases.

**Please provide any available statistics of such cases. Please provide per annum figures as available**

There have been no cases.

*Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.*

There have been no cases.

## **99. Paragraph 4 of article 26**

4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 38 of the PCCA  
Section 40 of the PCCA

**Please provide examples of cases and attach case law if available.**

There have been no cases

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

There have been no cases

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

There have been no cases

## **100. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## **27. Participation and attempt**

### **101. Paragraph 1 of article 27**

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, participation in any capacity such as an accomplice, assistant or instigator in an offence established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 22, Penal Code  
Section 23, Penal Code  
Section 384, Penal Code  
Section 30, Tanzania Prevention and Combating of Corruption Act (2007)  
Section 32, Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of cases and attach case law if available.**

There have been cases of joint liability involving corruption offences.

Cases on investigations, prosecutions, acquittals and convictions for the offence of aiding and abetting under Section 30 of the Prevention and Combating of Corruption Act 2007 [IC for record] - Ongoing prosecutions:

- a) Economic Case No 05/2011; Republic Vs Ahmad Ruambo
- b) Economic Case No 04/2011; Republic Vs Kakuru Magai

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **102. Paragraph 2 of article 27**

2. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, any attempt to commit an offence established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 380, Penal Code  
Section 12 (e) of the Anti Money Laundering Act

**Please provide examples of cases and attach case law if available.**

There have been no cases

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

There have been no cases

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

There have been no cases

## **103. Paragraph 3 of article 27**

3. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, the preparation for an offence established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(s), law(s) or other measure(s).*

Please cite the text(s)

Section 380, Penal Code

**Please provide examples of cases and attach case law if available.**

There have been no cases

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.**

There have been no cases

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

There have been no cases

#### **104. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

### **29. Statute of limitations**

#### **105. Article 29**

Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence established in accordance with this Convention and establish a longer statute of limitations period or provide for the suspension of the statute of limitations where the alleged offender has evaded the administration of justice.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(s), law(s) or other measure(s).*

Please cite the text(s)

Section 9, PCCA

**Please provide examples of implementation**

Apart from asset forfeiture cases, Tanzania has no statute of limitation period in which to commence proceedings for any offence established under this convention because of the difficulties encountered in collection of evidence in criminal investigations. In our jurisdiction it is the obligation of the prosecution side to prove a case beyond reasonable doubt, therefore investigation must be done well and have time without limits. It is to our advantage the we do not have any limitation in the commencement of criminal proceedings.

**If available, please provide information (statistics, types of cases, outcome) on related court or other cases related to instances when you established a longer statute of limitations period or suspended the statute of limitations where an alleged offender had evaded the administration of justice. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

In practice, PCCB applies to the DPP for an extension under Section 9(2) of PCCA due to the ongoing investigation to continued retention of the property up to another 6 months. Section 9 of PCCA is somewhat of a limiting provision in asset forfeiture cases.

## **106. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

***Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)***

**(Y) Yes**

***Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)***

**(MYSYS) Specificities in our legal system**

Section 9 of PCCA is somewhat of a limiting provision in asset forfeiture cases.

***Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)***

**(BEST) Summary of good practices/lessons learned**

Examples from other jurisdictions in asset forfeiture cases would be helpful.

***Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)***

**(Y) Yes**

**Who provides such assistance?**

Basel Institute (International Centre for Asset Recovery) has provided training on asset forfeiture cases.

If such assistance is provided in the context of a programme or project, please provide a description and attach the relevant document(s).

*Would the extension and/or expansion of such assistance help your country adopt the measure(s) described in the article under review? (Check one answer)*

(Y) Yes

## 30. Prosecution, adjudication and sanctions

### 107. Paragraph 1 of article 30

1. Each State Party shall make the commission of an offence established in accordance with this Convention liable to sanctions that take into account the gravity of that offence.

*Is your country in compliance with this provision? (Check one answer.)*

(P) Yes, in part

*Please cite the text regarding applicable sanction(s) or other measure(s)*

Please cite the text(s)

Section 25, Penal Code

#### Please provide examples of implementation

Each offence in the PCCA establishes minimum and maximum penalties. The maximum penalty under the PCCA is 7 years of imprisonment or 10 million shillings, for example for embezzlement (Section 28). The lowest maximum penalty under the PCCA is a fine of 100,000 shillings (for example in Sections 8(4), 8(6) and 15(2)).

#### A Table showing Offences and Penalties under The Prevention and Combating of Corruption Act (Act No. 11 of 2007).

S/N	SECTION	OFFENCE	PENALTIES
1.	<b>15</b>	Corrupt Transactions (solicits, accepts, obtains or attempts to obtain, gives, promises or offers any advantage)	A fine of not less than five hundred thousand shillings but not more than one million shillings or to imprisonment for a term of not less than three years but not more than five years or to both.
2.	<b>16</b>	Corrupt transactions in contracts	A fine of not less than one million shillings but not more than three million shillings or to imprisonment for a term of not less than three years but not more than five years or to both.
3.	<b>17</b>	Corrupt transactions in procurement	A fine not exceeding fifteen million shillings or to imprisonment for a term not exceeding seven years or to both.
4.	<b>18</b>	Corrupt transactions in auctions	A fine of not exceeding fifteen million shillings or to

			imprisonment for a term not exceeding seven years or to both.
5.	<b>20</b>	Corrupt transactions in employment	A fine not exceeding five million or to imprisonment for a term not exceeding three years or to both.
6.	<b>21</b>	Bribery of foreign public official	A fine not exceeding ten million shillings or to imprisonment for a term not exceeding seven years or to both.
7.	<b>22</b>	Use of documents intended to mislead principal	A fine not exceeding seven million shillings or to imprisonment for a term not exceeding five years or to both.
8.	<b>23</b>	Person obtaining advantage	A fine not exceeding ten million shillings or to imprisonment for a term not exceeding seven years or to both.
9.	<b>25</b>	Sexual or any other favours	A fine not exceeding five million shillings or to imprisonment for a term not exceeding three years or to both.
10.	<b>26(3)</b>	Public officials to give accounts of properties	A fine not exceeding five million shillings or to imprisonment for a term not exceeding three years or to both.
11.	<b>27</b>	Possession of unexplained property	A fine not exceeding ten million shillings or to imprisonment for a term not exceeding seven years or to both.
12.	<b>28</b>	Embezzlement and misappropriation	A fine not exceeding ten million shillings or to imprisonment for a term not exceeding seven years or to both.
13.	<b>29</b>	Diversion	A fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or to both.
14.	<b>30</b>	Aiding and abetting	A fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or to both.
15	<b>31</b>	Abuse of position	A fine not exceeding five million shillings or to imprisonment for a term not exceeding three years or to both.
16.	<b>32</b>	Conspiracy	A fine not exceeding five million shillings or to imprisonment for a term not exceeding three years or to both.
17.	<b>33</b>	Trading in influence	A fine not exceeding three million shillings or to imprisonment for a term not exceeding two years or to both.

			both.
18.	<b>34(1)</b>	Transfer of proceeds of corruption	A fine not exceeding ten million shillings or to imprisonment for a term not exceeding seven years or to both.
19.	<b>36</b>	False pretence to be an officer	A fine not exceeding two million shillings or to imprisonment for a term not exceeding one year or to both.
20.	<b>37</b>	Offence of disclosure of identity	A fine of one hundred thousand shillings or to imprisonment for one year or to both.
21.	<b>52(3)</b>	Victimization of informer (a person disclosed an information of the commission of offences under Act No.11 of 2007)	A fine not exceeding five hundred thousand shillings or to imprisonment for a term of not exceeding one year or to both.

**If available, please provide information on criminal and non-criminal sanctions imposed**

The judiciary indicated that cases are decided on the gravity of the case, depending on circumstances and that available sanctions are sufficient to have a deterring effect.

It was noted by the Expert Working Group that the absence of minimum penalties for each corruption offence under PCCA allows judges to exercise discretion to impose minimal sanctions, which can lead to the impunity or a lack of deterrence in corruption cases.

The judiciary indicated that minimum sanctions used to exist for corruption cases (eg, 5 years), but it was found better not to have a minimum because judges tend to impose the minimum sentence only and not deviate upwards. Judiciary indicated that fines are rarely imposed and that imprisonment is usually the sanction. Additional penalties and deterring effect are the possibility of forfeiture and prohibition from holding public office.

In 2008 and 2009, Resident Magistrate Court nationwide disposed of a total of 55 corruption cases. Of these, various terms of imprisonment were imposed in 5 corruption cases, 4 cases ended up in acquittals, 26 cases were withdrawn and 20 cases were conditionally discharged.

The judiciary indicated that the high number of withdrawals and acquittals were due to the difficulty of proving corruption cases. Corruption cases are secretive and the proof is high (beyond a reasonable doubt).

Within the District Court (which is established in every district to exercise jurisdiction within the district and has original jurisdiction in criminal proceedings), corruption cases disposed of nationwide:

- The District Court in the 13th Zones of the High Court disposed of a total of 55 corruption cases in 2008. This number fell down to 33 cases in 2009. Out of the 55 corruption cases, 27 ended in acquittal and 12 ended up in withdrawals, only 13 cases out of 55 resulted in prison sentences.
- Out of 33 corruption cases which were disposed of by the district court in 2009, 20 ended up in acquittals, 9 were withdrawn and only 4 ended up in prison sentences.

The judiciary indicated that awareness and training of judges in apply PCCA in corruption cases was sufficient and that training in general for judges on all criminal cases would be useful.

During meetings with the private sector foundation, it emerged that sanctions for corruption were not exercised often enough and when they were exercised, appeared to be inadequate to have a deterrent effect.

**Where applicable, please provide information on the execution of sentences (e.g. time served, amount of money collection, etc.)**

In respect of sanctions for corruption offences, maximum and minimum sanctions are provided in each Section that creates the particular offence. The sanctions are both imprisonment terms and fines, running together or in the alternative.

Sections 15 and 16 of the Prevention and Combating of Corruption Act provide for both maximum and minimum sanctions. With regard to imprisonment, the minimum imprisonment is 3 years and the maximum is 5 years, while fines range from a minimum of TZS 500,000/= to a maximum of 10million

To our observation, sanctions that are provided for Sections 17 to 37 of the Act are very lenient. According to these sections the maximum imprisonment is seven years while the maximum fine is TZS 20 million. The available sanctions are too discretionary, as they provide for maximum sanctions only, while leaving the minimum sanctions to be determined by the presiding magistrate or judge. Minimum sanctions in terms of both imprisonment and fines are left to the presiding judge or magistrate to exercise his or her discretion. When the discretion is abused, a convict can even be sentenced to six months imprisonment.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

Legal reform to establish minimum penalties in the PCCA.

## **108. Paragraph 2 of article 30**

2. Each State Party shall take such measures as may be necessary to establish or maintain, in accordance with its legal system and constitutional principles, an appropriate balance between any immunities or jurisdictional privileges accorded to its public officials for the performance of their functions and the possibility, when necessary, of effectively investigating, prosecuting and adjudicating offences established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(Y) Yes

*Please cite the applicable measure(s) or rules*

**Please cite the text(s)**

Section 50 of the PCCA

Section 16 of the Penal Code, Cap 16

The Constitution Section 46

**Please provide examples of implementation**

**Have there been concrete instances where the issue of immunities and/or jurisdictional or other privileges accorded to public officials has arisen and addressed in official documents?**

The immunities are not absolute, save in the case of a sitting President.

**If there have been any relevant official inquiries or reports, please cite, summarize or attach relevant documents**

The judiciary indicated that magistrates found guilty of corruption have been prosecuted and found guilty. Judicial Services Commission decides whether these magistrates remain in office or not. There have been some cases involving judicial officers and magistrates.

### **109. Paragraph 3 of article 30**

3. Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences established in accordance with this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 57, Tanzania Prevention and Combating of Corruption Act (2007)  
Constitution

**Article 59B** of the Constitution of The United Republic of Tanzania of 1977(as amended from time to time) CAP. 2, states:

- “(1) There shall be a Director of Public Prosecutions who shall be appointed by the President from amongst persons with qualifications specified in sub article (2) of Article 59 and has continuously held those qualifications for a period of not less than ten years.**
- (2) The Director of Public Prosecutions shall have powers to institute, prosecute and supervise all criminal prosecutions in the country.**
- (3) The powers of the Director of Public Prosecutions under sub article (2), may be exercised by him in person or on his directions, by officers under him, or any other officers who discharge these duties under his instructions.**
- (4) In exercising his powers, the Director of Public Prosecutions shall be free, shall not be interfered with by any person or with any authority and shall have regard to the following -**
  - (a) the need to dispensing justice;**
  - (b) prevention of misuse of procedures for dispensing justice;**
  - (c) public interest.**
- (5) The Director of Public Prosecutions shall exercise his powers as may be prescribed by any law enacted or to be enacted by the Parliament”.**

**Please provide examples of implementation**

PCCB has jurisdiction to prosecute Section 15 cases without the consent of DPP and can file these cases directly to the court. For all other cases the consent of DPP is required. In practice, after an investigation completed file is taken to DPP for final review. Once DPP consent is received, PCCB prosecutors can conduct the prosecution although DPP may transfer the case to the police for investigation and DPP would conduct the prosecution. Joint prosecution by DPP and PCCB is also possible.

**If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.**

**PCCB CORRUPTION CASES STATISTICS (2010 – 2011)**

Category	Allegations Received	Cases Investigated	Ongoing Investigations	Closed Investigations	Files sent to DPP	Files returned from the DPP with Consent	Transferred Investigations	Completed Investigations	Administration Actions taken	New cases filled into Courts	Ongoing cases into Courts	Conviction Cases recorded	Acquitted Cases recorded	Total cases prosecuted	Saved Money / Asset Recovered
2010	5685	870	2356	416	120	58	135	924	29	224	403	64	98	587	10,123,258,300
2011	4765	819	2546	323	143	34	84	681	30	193	435	52	61	709	4,638,939,558
TOTAL	10,450	1,689		739	143	92	219	1,605	59	417		116	159		14,762,197,858

Source: PCCB Head Office

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

The need for consent of DPP presents challenges in practice because of delays and the fact that DPP has a large workload involving all criminal matters. Pending receipt of consent, suspects are out on bail. DPP has assigned special officers dealing with corruption cases. There is a need to enhance understanding of DPP to handle corruption prosecutions.

The judiciary indicated that discretionary prosecution is exercised to the fullest extent by DPP and PCCB. There is sufficient public scrutiny that cases are prosecuted to the fullest extent, although public awareness is not as high as it should be of corruption. Some judges believe that powers should remain with DPP, which has experienced state attorneys.

**110. Paragraph 4 of article 30**

4. In the case of offences established in accordance with this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Part V, B, (e), Criminal Procedure Act 1985

**Please provide examples of implementation**

No cases

**If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **111. Paragraph 5 of article 30**

5. Each State Party shall take into account the gravity of the offences concerned when considering the eventuality of early release or parole of persons convicted of such offences.

*Is your country in compliance with this provision? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 4 of the Parole Board Act

**Please provide examples of implementation**

None

**If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **112. Paragraph 6 of article 30**

6. Each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures through which a public official accused of an offence established in accordance with this Convention may, where appropriate, be removed, suspended or reassigned by the appropriate authority, bearing in mind respect for the principle of the presumption of innocence.

*Has your country established the procedures described above? (Check one answer)*

(P) Yes, in part

*Please cite the applicable procedure(s) or other measure(s)*

**Please cite the text(s)**

Regulation 50 (a) - (f) of the Public Service Act  
Section 23.-(1) of the Public Service Act

**Please provide examples of implementation**

We previously had a procedure whereby in the event a public official was charged of an offence established by the Convention, her or she was automatically suspended removed or reassigned by the appropriate authority. However recent reforms in the Public Service Act have made this to be the discretion of the employer to either remove or suspend such a public official. Disciplinary proceedings may be authorized once criminal proceedings have been instituted.

Under Standing Order F(2), a public servant may be interdicted if he or she has been charged criminally, pending a final court determination. Interdiction in this case is discretionary.

In one case involving the Department of Teachers in 2010, 90 teachers who had been accused of exam cheating were interdicted until the verdict in the criminal case was rendered.

**If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

A system whereby public officials accused of having committed crimes can be automatically suspended until final determination of a court, also to avoid possibilities of destruction of evidence.

The challenge is that the period of interdiction/suspension is not fixed by law but at the discretion of the disciplinary authority; criminal cases take time to resolve, and during the period of suspension the public official receives half pay and the post remains vacant.

### **113. Subparagraph 7 (a) of article 30**

7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:

(a) Holding public office;

*Has your country established the procedures described above? (Check one answer)*

**(P) Yes, in part**

*Please cite the applicable procedure(s) or other measure(s)*

**Please cite the text(s)**

Under Regulation 32(3) of the Public Service Scheme, the sanction of the Chief Secretary is needed to appoint a person who has been removed or retired from public office in the public interest. The Office of Public Service Management handles these types of cases and makes an appropriate recommendation. If the previous removal or retirement is not disclosed at the time of rehire, the person can be dismissed (Regulation 17(4)).

**Please provide examples of implementation**

**If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

#### **114. Subparagraph 7 (b) of article 30**

7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:

(b) Holding office in an enterprise owned in whole or in part by the State.

*Has your country established the procedures described above? (Check one answer)*

**(P) Yes, in part**

*Please cite the applicable procedure(s) or other measure(s)*

**Please cite the text(s)**

The Public Service Regulations only apply to public services (Regulation 2). Public companies have their own laws prescribing conditions of employment. For example, the Public Corporations Act precludes persons who have been dismissed from the corporation from being reappointed.

**Please provide examples of implementation**

**If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **115. Paragraph 8 of article 30**

8. Paragraph 1 of this article shall be without prejudice to the exercise of disciplinary powers by the competent authorities against civil servants.

*Is your country in compliance with this provision? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Public Service Act

**Please provide examples of implementation and related disciplinary cases**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **116. Paragraph 10 of article 30**

10. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences established in accordance with this Convention.

*Is your country in compliance with this provision? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable reintegration programme(s) or measure(s)*

**Please cite the text(s)**

Section 62 of the Prisons Act

**Please provide examples of implementation**

**If you collect statistics on recidivism rates, please provide them**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

Reforms are needed:

- a) In criminal Justice system to establish Rehabilitation/Correction Centre's in order to have an effective and efficient re-integration of criminal offender who are about to leave the Prison.
- b) To remove the discretion of the commissioner for prison to determine whether Prisoner's should be granted that opportunity or not. This will ensure both sustainability of re-intergration and the preservation of Human Rights.

## **117. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(Y) Yes

*Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)*

(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

Regarding rehabilitation of offenders

*Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)*

(BEST) Summary of good practices/lessons learned

Good practices regarding rehabilitation of offenders due to the discretion afforded to the Commissioner of Prisons as to whether to grant reintegration.

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

(N) No

## **31. Freezing, seizure and confiscation**

### **118. Subparagraph 1 (a) of article 31**

1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:

(a) Proceeds of crime derived from offences established in accordance with this Convention or property the value of which corresponds to that of such proceeds;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(ies) or other measure(s)*

**Please cite the text(s)**

Section 12, Tanzania Prevention and Combating of Corruption Act (2007)

Section 13, Tanzania Prevention and Combating of Corruption Act (2007)

Section 40, Tanzania Prevention and Combating of Corruption Act (2007)

Section 9, Proceeds of Crime Act

Section 14, Proceeds of Crime Act

**Please provide examples of implementation**

**If available, please provide information on the number and types of cases in which proceeds were confiscated. Please provide per annum figures, as available.**

Money recovered by PCCB for the period 1995 to December 2011 is valued at Tshs. 93.535 billion. Specifically, the annual amounts were in 2011, Tshs. 4.639 billion; in 2010, Tshs. 10.123 billion; in 2009, Tshs. 436,132 million; and in 2008, Tshs. 13.204 billion.

**If available, please provide information on the amount of proceeds of offences established in accordance with this Convention confiscated. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

### **119. Subparagraph 1 (b) of article 31**

1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:

(b) Property, equipment or other instrumentalities used in or destined for use in offences established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(ies) or other measure(s)*

**Please cite the text(s)**

Section 23, Economic and Organized Crime Act  
Section 9, Proceeds of Crime Act  
Section 351, Criminal Procedure Code

**If available, please provide information on the amount/types of property, equipment or other instrumentalities confiscated**

**If available, please provide information on recent cases in which such confiscations took place**

**Please provide examples of implementation**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

### **120. Paragraph 2 of article 31**

2. Each State Party shall take such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

**Please cite the applicable policy(ies) or other measure(s)**

**Please cite the text(s)**

- Section 38, Tanzania Prevention and Combating Corruption Act (2007)
- Section 40, Tanzania Prevention and Combating Corruption Act (2007)
- Section 12, Tanzania Prevention and Combating Corruption Act (2007)
- Section 31, The Proceeds of Crime Act 1991
- Section 39, The Proceeds of Crime Act 1991
- Section 40, The Proceeds of Crime Act 1991
- Section 58, The Proceeds of Crime Act 1991

**Please provide examples of implementation**

**If available, please provide information on the cases and amount of money/value of property frozen or seized. Please provide per annum figures, as available**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **121. Paragraph 3 of article 31**

3. Each State Party shall adopt, in accordance with its domestic law, such legislative and other measures as may be necessary to regulate the administration by the competent authorities of frozen, seized or confiscated property covered in paragraphs 1 and 2 of this article.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

**Please cite the applicable policy(s), law(s) or other measure(s).**

**Please cite the text(s)**

- Section 35, Proceeds of Crime Act
- Section 41, Tanzania Prevention and Combating Corruption Act (2007)
- Section 42, Tanzania Prevention and Combating Corruption Act (2007)
- Section 43, Tanzania Prevention and Combating Corruption Act (2007)

**Please provide any reports or assessments of the administration of frozen, seized or confiscated property**

**Please provide examples of implementation**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **122. Paragraph 4 of article 31**

4. If such proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

**Please cite the applicable policy(ies) or other measure(s)**

**Please cite the text(s)**

- Section 351(5), Criminal Procedure Code

**Please provide examples of implementation**

**If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

### **123. Paragraph 5 of article 31**

5. If such proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(ies) or other measure(s)*

**Please cite the text(s)**

Section 26, 27 and 34 of the Prevention and Combating of Corruption Act:

**Please provide examples of implementation**

**If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

### **124. Paragraph 6 of article 31**

6. Income or other benefits derived from such proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(ies) or other measure(s)*

**Please cite the text(s)**

Section 351(1) and (5), Criminal Procedure Code

**Please provide examples of implementation**

**If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **125. Paragraph 7 of article 31**

7. For the purpose of this article and article 55 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or seized. A State Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 10 (1) b of the Prevention and Combating of Corruption Act (2007) Section 8 (4) of the Prevention and Combating of Corruption Act (2007) Section 8 (5) of the Prevention and Combating of Corruption Act (2007) Section 8(6) of the Prevention and Combating of Corruption Act (2007)  
Section 42 of the Prevention and Combating of Corruption Act (2007) Section 58(5) of the Proceeds of Crime Act  
Section 16 of the Public Procurement Act  
Section 31 of the Banking and Financial Institutions Act

**Please provide examples of implementation**

**If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **126. Paragraph 8 of article 31**

8. States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of such alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the fundamental principles of their domestic law and with the nature of judicial and other proceedings.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(ies) or other measure(s)*

**Please cite the text(s)**

Sections 27 and 26 of the Prevention and Combating of Corruption Act

**If available, please provide information on recent cases where an offender has been required to demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation**

**Please provide examples of implementation**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **127. Paragraph 9 of article 31**

9. The provisions of this article shall not be so construed as to prejudice the rights of bona fide third parties.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(ies) or other measure(s)*

**Please cite the text(s)**

Section 41, Tanzania Prevention and Combating of Corruption Act (2007)  
Section 16, Proceeds of Crime Act  
Section 43(3), Proceeds of Crime Act

**Please provide examples of implementation and, if available, information on recent cases where bona fide third parties were involved and their rights were protected**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **128. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

**(N) No**

## **32. Protection of witnesses, experts and victims**

### **129. Paragraph 1 of article 32**

1. Each State Party shall take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with this Convention and, as appropriate, for their relatives and other persons close to them.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(ies) or other measure(s)*

**Please cite the text(s)**

Section 52, The Economic and Organized Crime Control Act 1984  
Section 51, Tanzania Prevention and Combating of Corruption Act (2007)  
Section 52(1), Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of implementation**

Witnesses are reluctant to testify in practice and want assurances from the prosecution of personal safety. Some witnesses do not testify or turn hostile.

**If available, please provide information on the number of witnesses or experts and their relatives or other persons close to them who have required protection and how long they needed it. Please provide per annum figures since, as available.**

**If you have a witness protection programme, how many witnesses or experts and their relatives or persons close to them have entered it? Please provide per annum figures, as available.**

No.

**Do you have an estimated cost per protected person ?**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

Awareness raising to encourage increased cooperation. Witness relocation is needed.

**130. Subparagraph 2 (a) of article 32**

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

(a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(ies) or other measure(s)*

**Please cite the text(s)**

Section 52, The Economic and Organised Crime Control Act 1984  
Section 51, Tanzania Prevention and Combating of Corruption Act (2007)

**If applicable and available, please provide information on the number of witnesses or experts who have received physical protection, type of protection received and cost**

None.

**Please provide examples of implementation**

**NB:** Despite the fact that we have provisions regarding the protection of witnesses we still yet do not have any provisions providing for the relocation, non-disclosure or limitation on the disclosure of information concerning the identity and whereabouts of such persons

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

Limited resources to protect them. Witness relocation is not afforded.

## **131. Subparagraph 2 (b) of article 32**

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

(b) Providing evidentiary rules to permit witnesses and experts to give testimony in a manner that ensures the safety of such persons, such as permitting testimony to be given through the use of communications technology such as video or other adequate means.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(Y) Yes**

*Please cite the applicable rule(s), policy(ies) or other measure(s)*

**Please cite the text(s)**

Written Laws Amendments Act allows for testimony to be taken by videoconference, which can be sent to a requesting State, and vice versa. There have been no cases where testimony was taken by video conference. In one case,

evidence was taken from 3 witnesses in Italy, which was admissible in court in Tanzania.

**If applicable and available, please provide information on recent cases in which witnesses or experts have given testimony using video or other communications technology**

**Please provide examples of implementation**

## **132. Paragraph 3 of article 32**

3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable agreement(s), arrangement(s) or other measure(s)*

**Please cite the text(s)**

Tanzania has made a step in the protection of witnesses as far as the Prevention and combating of Corruption is concerned. Refer Section 52(1-4) of the PCCA (The Prevention and Combating of Corruption Act). However we still need technical and financial assistance to implement fully this provision under review. There has been no relocation of witnesses.

**Please provide examples of implementation**

**If applicable and available, please provide information on the number of witnesses or experts who have been relocated to other States through arrangements or agreements. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

**Tanzania needs:**

- a) Technical assistance to reforming relevant legislations and having experience from jurisdictions which have implemented this provision.**
  
- b) Financial assistance to facilitate the implementation the provision under review.**

### **133. Paragraph 4 of article 32**

4. The provisions of this article shall also apply to victims insofar as they are witnesses.

*In your domestic legal system, do the provisions of this article also apply to victims insofar as they are witnesses? (Check one answer)*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

### **134. Paragraph 5 of article 32**

5. Each State Party shall, subject to its domestic law, enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.

*Is your country in compliance with this provision? (Check one answer.)*

(Y) Yes

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Article 13 (6) (a) of the Constitution Section  
310 of the Criminal Procedure Act Section  
195 (2) of the Criminal Procedure Act

**Please provide examples of implementation**

**If available, please provide information on the number of victims who have presented their views and concerns at any stage of criminal justice proceedings against offenders. Please provide per annum figures, as available.**

### **135. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(Y) Yes

*Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)*

**(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)**

Witness relocation and protection measures are expensive.

*Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the article under review? (Check all the answers that apply)*

**(BEST) Summary of good practices/lessons learned**

Limited experience for witness protection programmes.

**(CAPWP) Capacity-building programmes for authorities responsible for establishing and managing witness and expert protection programmes**

Limited resources for witness protection programmes.

**(OTHER) Other assistance (please specify)**

**Tanzania needs:**

- a) Technical assistance to reforming relevant legislations and having experience from jurisdictions which have implemented this provision.
- b) Financial assistance to facilitate the implementation the provision under review.

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

(N) No

### **33. Protection of reporting persons**

#### **136. Article 33**

Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 52(2), Tanzania Prevention and Combating of Corruption Act (2007)  
Section 7, Criminal Procedure Code

**Please provide examples of implementation including related court or other cases  
need to take to ensure the full implementation of the provision under review.**

Whistleblower legislation is needed. Public officials have a duty to report corruption, but protections are limited to Section 52 of PCCA.

### **137. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

***Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)***

(N) No

## **34. Consequences of acts of corruption**

### **138. Article 34**

With due regard to the rights of third parties acquired in good faith, each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to address consequences of corruption. In this context, States Parties may consider corruption a relevant factor in legal proceedings to annul or rescind a contract, withdraw a concession or other similar instrument or take any other remedial action.

***Has your country adopted and implemented the measures described above? (Check one answer.)***

(P) Yes, in part

*Please cite the applicable policy(s), law(s) or other measure(s).*

**Please cite the text(s)**

Section 41(1) of the PCCA  
Section 41(2) of the PCCA  
Section 42(1) of the PCCA  
Section 4(2) of the PCCA  
Section 43(1) of the PCCA  
Section 43(2) of the PCCA  
Section 43(3) of the PCCA  
Section 57, Public Procurement Regulatory Act  
Section 62 of the Public Procurement Act, 2011  
Section 65 of the Public Procurement Act, 2011  
Sections 83-87 of the Public Procurement Act, 2011

***Please provide examples of implementation including related court or other cases  
need to take to ensure the full implementation of the provision under review.***

A system of blacklisting companies convicted of corruption exists.

Once a company fund involved in corruption under Public Procurement Act No. 21 of 2004, S. 57, the company will be blacklisted and debarred from further tenders. Example is the following cases of companies blacklisted:

- Oxford University Press East Africa Limited;
- Oxford University Press Tanzania Limited;
- China Communications Construction Company Limited; and
- China Geo-Engineering Corporation.

### **139. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## **35. Compensation for damage**

### **140. Article 35**

Each State Party shall take such measures as may be necessary, in accordance with principles of its domestic law, to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to initiate legal proceedings against those responsible for that damage in order to obtain compensation.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 44, Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of implementation and, if available, information on recent cases, including amount and type of compensation emanating from legal proceedings initiated by a victim against those responsible for a damage resulting from an act of corruption**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

### **141. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(Y) Yes

*Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)*

(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

There is limited awareness of the civil protections available to victims.

*Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)*

(BEST) Summary of good practices/lessons learned

Awareness raising.

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

(N) No

## 36. Specialized authorities

### 142. Article 36

Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(ies), institutional arrangements, law(s) or other measure(s):*

**Please cite the text(s)**

Section 5, Tanzania Prevention and Combating of Corruption Act (2007)  
Section 7, Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of implementation**

As described below, the PCCB has its own independent scheme of service in recruitment and training of its staff, in accordance with Section 6(3) of the Prevention and Combating of Corruption Act 2007.

**The Bureau has an operational independence in execution of its mandate of investigation of corruption cases (See S. 5(2) of the PCCA. However, to prosecute offenders of corruption the fiat must be obtained from the DPP as per S. 57 of the PCCA.**

**Please provide information on the measures adopted to ensure the independence of the specialized body**

Section 5, Tanzania Prevention and Combating of Corruption Act (2007)  
Section 6(3), Tanzania Prevention and Combating of Corruption Act 2007

**If available, please provide information on how staff is selected and trained**

Section 6(3) of the Prevention and Combating of Corruption Act 2007, provides for the mandate and that the Bureau has to recruit its own staff. The Bureau basically has its own scheme of service which caters both recruitment and training. The scheme of service specifies the procedure on how its staff are selected:

Recruitment process:

The number of staff for recruitment needs the approval of the Public Service Management office because it has the overall function of the Government establishment. Identified staff needs and the approval are then submitted to the Commissioner for budget for funds allocation, because the Ministry of Finance has the overall responsibility to plan and budget for Government Financial year. Upon receiving the approval, recruitment process starts by advertisement, shot listing, formation of recruitment committee, interview, vetting, selection and training.

Training Programmes:

- i) Basic Investigation Course (3 months)
- ii) Intermediate Investigation Course (2 months)
- iii) Senior Investigation Course (1 month)
- iv) Command Investigation Course (2 weeks)
- v) Executives Management Course (2 weeks)

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

- a) Reforms are needed to make sure that there exists security of tenure for the head of the PCCB. The current law does not provide for security of tenure nor is it anchored in the Constitution.
- b) In respect of financial independence, efforts are needed to make sure that there is enough budgeting and fund allocation to enable the PCCB to execute its mandated functions without any delay. There is a need to allocate a certain percentage of the total Government budget to the budget of the Bureau.

### **143. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

***Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)***

(N) No

## **37. Cooperation with law enforcement authorities**

### **144. Paragraph 1 of article 37**

1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with this Convention to supply information useful to competent authorities for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds.

***Has your country adopted and implemented the measures described above? (Check one answer.)***

(P) Yes, in part

***Please cite the applicable measure(s)***

**Please cite the text(s)**

Section 51, Tanzania Prevention and Combating of Corruption Act (2007)  
Section 39, Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of implementation**

NB: Note that the provisions above cover persons who have not participated in the commission of the offence but rather have the knowledge of the commission of the offence.

The Tanzania Police force noted that the possibility of mitigated punishment is only available at the court's discretion to cooperators before they have participated in criminal act, not afterwards.

**If available, please provide information on the number and nature of such cases that have contributed to depriving offenders of the proceeds of crime and to recovering such proceeds. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

#### **145. Paragraph 2 of article 37**

2. Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s)*

**Please cite the text(s)**

According to the Tanzania Police Force, the possibility of mitigating punishment for an accused person who provides substantial cooperation in an investigation is at the discretion of the court.

**Please provide examples of implementation**

**If available, please provide information (statistics, types of cases, outcome) on related legal (civil, administrative or criminal) cases or other processes related to instances where punishment of an accused person who provided substantial cooperation was mitigated. Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

There is a need for a reform in the anti-corruption legal framework in Tanzania to have a provision for Plea Bargain.

#### **146. Paragraph 3 of article 37**

3. Each State Party shall consider providing for the possibility, in accordance with the fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

**Please cite the applicable measure(s)**

**Please cite the text(s)**

Section 45, Tanzania Prevention and Combating of Corruption Act (2007)  
Section 51, Tanzania Prevention and Combating of Corruption Act (2007)

**147. Paragraph 4 of article 37**

4. Protection of such persons shall be, mutatis mutandis, as provided for in article 32 of this Convention.

*Is your country in compliance with this provision? (Check one answer.)*

(N) No

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

**Please provide an account of your country's efforts to date to implement the provision under review.**

Efforts are being made to enact the Whistle Blowers Act: We hope there will be a provision that grants immunity from prosecution to person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this convention

**148. Paragraph 5 of article 37**

5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article.

*Is your country in compliance with this provision? (Check one answer.)*

(N) No

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

Sign a treaty that will cater for Cross Boarder plea Bargaining between Tanzania and other countries.

**Please provide an account of your country's efforts to date to implement the provision under review.**

Tanzania has not made any efforts to date to implement this provision under review. The absence of whistleblower legislation was noted as a challenge to securing the cooperation of accused persons and participants in criminal activity.

## **149. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## **38. Cooperation between national authorities**

### **150. Article 38**

Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences. Such cooperation may include:

- (a) Informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that any of the offences established in accordance with articles 15, 21 and 23 of this Convention has been committed; or
- (b) Providing, upon request, to the latter authorities all necessary information.

*Is your country in compliance with this provision? (Check one answer.)*

(Y) Yes

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 45, Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of implementation**

Corruption reports can be made anonymously to PCCB.

In addition, under General Standing Orders of the Tanzania Police Force, police officers must report information of corrupt transactions within the Police. Under the Singida Declaration, which establishes a Zero Tolerance against corruption in the Police Force, any police officer who reports a bribe is eligible, once the bribery investigation is confirmed, to be paid 1/2 of the amount of the bribe up to 10 million shillings as a reward. Rewards have been paid in recent years.

As a condition to receiving public funds from the Treasury, every ministry, department and agency (MDA) must have an anti-corruption strategy to sensitize public officials to corruption issues. The Tanzania Police Force reported that each public agency has an anti-corruption desk, and public officials employed in the agency must report corruption to the Chief Secretary of the agency, who in turn reports the incident to PCCB.

Effective measures to ensure cooperation are lacking due to the absence of whistleblower legislation.

In a corruption case involving the Ministry of Education, the Director of Personnel cooperated with PCCB and was permitted to share information and attend meetings during working hours. In a case involving the Tanzania Revenue Authority, a public servant reported a corruption incident to PCCB and the matter was referred to the Public Service Commission.

**If available, please provide information on the number of times and cases in which such information has been shared. Please provide per annum figures, as available.**

### **151. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## **39. Cooperation between national authorities and the private sector**

### **152. Paragraph 1 of article 39**

1. Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial institutions, relating to matters involving the commission of offences established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(Y) Yes

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 46, Tanzania Prevention and Combating Corruption Act (2007)  
Section 39, Tanzania Prevention and Combating of Corruption Act (2007)

**Please provide examples of implementation**

The Police Force conducts outreach, seminars and workshops to MPs, the press, religious and community leaders on criminal issues, including corruption.

**If available, please provide information on recent cases in which entities of the private sector have collaborated with national investigating or prosecuting authorities**

### **153. Paragraph 2 of article 39**

2. Each State Party shall consider encouraging its nationals and other persons with a habitual residence in its territory to report to the national investigating and prosecuting authorities the commission of an offence established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 52(2), Tanzania Prevention and Combating of Corruption Act (2007)

Section 39, Tanzania Prevention and Combating of Corruption Act (2007)

Section 7 (1) (a) of the Criminal Procedure Act

**Please provide examples of implementation**

**If you have hotlines or other mechanisms for offences to be reported, how many reports have you received? Please provide per annum figures, as available.**

**If financial incentives are offered to encourage such reports, please provide details, available reports and relevant statistics**

**If anonymous reports are given due consideration by appropriate authorities, how many of the reports received have contributed to the investigation or prosecution of an offence established in accordance with the Convention? Please provide per annum figures, as available.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

### **154. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## **40. Bank secrecy**

### **155. Article 40**

Each State Party shall ensure that, in the case of domestic criminal investigations of offences established in accordance with this Convention, there are appropriate mechanisms available within its domestic legal system to overcome obstacles that may arise out of the application of bank secrecy laws.

*Has your country adopted the mechanisms described above? (Check one answer)*

(P) Yes, in part

*Please cite the applicable mechanism(s):*

**Please cite the text(s)**

Section 12, Tanzania Prevention and Combating of Corruption Act (2007)  
Section 21, Anti Money Laundering Act  
Section 48, Banking and Financial Institution Act

**Please provide examples of implementation**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

### **156. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

### **41. Criminal record**

#### **157. Article 41**

Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems appropriate, any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

### **158. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(Y) Yes

*Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)*

**(MYSYS) Specificities in our legal system**

**(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)**

There seems to be some misunderstanding by officials as to what this provision of UNCAC provides for.

*Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the article under review? (Check all the answers that apply)*

**(BEST) Summary of good practices/lessons learned**

**(MOLEG) Model legislation**

**(DRAFT) Legislative drafting**

**(ADV) Legal advice**

**(EXREL) On-site assistance by a relevant expert**

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

**(N) No**

## 42. Jurisdiction

### 159. Subparagraph 1 (a) of article 42

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:

(a) The offence is committed in the territory of that State Party; or

*Is your country in compliance with this provision? (Check one answer.)*

**(Y) Yes**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 6, Penal Code  
Section 2 of the PCCA

**Please provide examples of implementation, including related court or other cases**

### 160. Subparagraph 1 (b) of article 42

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:

...

(b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 6, Penal Code  
Section 2 of the PCCA

**Please provide examples of implementation, including related court or other cases**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

### **161. Subparagraph 2 (a) of article 42**

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

(a) The offence is committed against a national of that State Party; or

*Has your country adopted measures to establish its jurisdiction as described above? (Check one answer)*

**(N) No**

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

### **162. Subparagraph 2 (b) of article 42**

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

...

(b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory; or

*Has your country adopted measures to establish its jurisdiction as described above? (Check one answer)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 6, Penal Code  
Section 2 of the PCCA

**Please provide examples of implementation, including related court or other cases**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

### **163. Subparagraph 2 (c) of article 42**

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

...

(c) The offence is one of those established in accordance with article 23, paragraph 1 (b) (ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 23, paragraph (a) (i) or (ii) or (b) (i), of this Convention within its territory; or

*Has your country adopted measures to establish its jurisdiction as described above? (Check one answer)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 2 (2) of the PCCA

**Please provide examples of implementation, including related court or other cases**

However, though the PCCA extends its jurisdiction to elsewhere than in Tanzania, section 2 of the Anti-money Laundering Law provides that the Act regulating the fight against money laundering shall apply to Mainland Tanzania as well as to Tanzania Zanzibar only and not outside Tanzania.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

### **164. Subparagraph 2 (d) of article 42**

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

...

(d) The offence is committed against the State Party.

*Has your country adopted measures to establish its jurisdiction as described above? (Check one answer)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

The Mahalu Case- an offence against Tanzanian property outside of Tanzania is being tried within Tanzania

**Please provide examples of implementation, including related court or other cases**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **165. Paragraph 3 of article 42**

3. For the purposes of article 44 of this Convention, each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.

*Is your country in compliance with this provision? (Check one answer)*

**(Y) Yes**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Tanzania can extradite its own nationals. Tanzania would extradite its nationals to a country with which it has an agreement upon application from that country.

**Please provide examples of implementation, including related court or other cases**

## **166. Paragraph 4 of article 42**

4. Each State Party may also take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite him or her.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(N) No**

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

## **167. Paragraph 5 of article 42**

5. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that any other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 4 of the Mutual Assistance in Criminal Matters Act  
Section 54 of the PCCA  
Section 55 of the PCCA

**Please provide examples of implementation and details on factors facilitating such collaboration and coordination**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

### **168. Paragraph 6 of article 42**

6. Without prejudice to norms of general international law, this Convention shall not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

*Has your country adopted any grounds of criminal jurisdiction other than those described above? (Check one answer)*

(N) No

### **169. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## **IV. International cooperation**

### **44. Extradition**

#### **170. Paragraph 1 of article 44**

1. This article shall apply to the offences established in accordance with this Convention where the person who is the subject of the request for extradition is present in the territory of the requested State Party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s), including your policy on dual criminality*

**Please cite the text(s)**

Section 6, Extradition Act  
Section 8, Extradition Act  
Section 55, Prevention and Combating of Corruption Act

**Please provide examples of implementation, including cases where dual criminality issues were raised and resolved**

The Extradition Act is applicable in mainland Tanzania and in Zanzibar. Extradition may be granted to States with which Tanzania has an extradition treaty in place. Dual criminality is required for extradition. Extradition treaties are in place with Mauritius, Switzerland, United Kingdom, United States of America, Hong Kong, Denmark, Kenya, Uganda, Rwanda, Burundi, all SADC States.

No requests for extradition have been received under the new act (since 2007) in corruption cases. Extradition has been granted by Tanzania in non-corruption cases. Tanzania has also made requests for extradition to other States, one of which is currently pending with Burundi.

Procedure: Once request is received by Embassy in Tanzania it is forwarded to the Ministry of Foreign Affairs, which forwards it to the AG's office (no substantive review is conducted). The AG's office handles the request.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

### **171. Paragraph 2 of article 44**

2. Notwithstanding the provisions of paragraph 1 of this article, a State Party whose law so permits may grant the extradition of a person for any of the offences covered by this Convention that are not punishable under its own domestic law.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

### **172. Paragraph 3 of article 44**

3. If the request for extradition includes several separate offences, at least one of which is extraditable under this article and some of which are not extraditable by reason of their period of imprisonment but are related to offences established in accordance with this Convention, the requested State Party may apply this article also in respect of those offences.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

Tanzania has not received such a request. However, under these circumstances, Tanzania would grant the request only for those offences that are criminal offences under Tanzania's law and would return the other matters to the Requesting State.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

### **173. Paragraph 4 of article 44**

4. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them. A State Party whose law so

permits, in case it uses this Convention as the basis for extradition, shall not consider any of the offences established in accordance with this Convention to be a political offence.

***Is your country in compliance with this provision? (Check one answer.)***

**(P) Yes, in part**

***Please cite the applicable measure(s)***

**Please cite the text(s)**

Section 3, Extradition Act  
Schedule 1, Extradition Act  
Section 5(2), Extradition Act

**Please provide a sample of relevant extradition treaties**

Tanzania's treaties generally provide for extradition of all cases that are punishable in Tanzania with the exception of national security matters and political offences.

Tanzania has an extradition treaty with the United States of America, which came into force on 24 June 1935 (to be confirmed). In this treaty, apart from the offence of bribery, defined as the offer, giving or receiving of bribes, none of the offences to which the provision under review applies are included.

BILATERAL EXTRADITION TREATIES  
TANZANIA

(The treaty applicable to Tanzania was originally signed with the United Kingdom.)

EXTRADITION

December 22, 1931, Date-Signed

June 24, 1935, Date-In-

Force

ARTICLE 3 Extradition shall be reciprocally granted for the following crimes or offences:

1. Murder (including assassination, parricide, infanticide, poisoning), or attempt or conspiracy to murder.
2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Rape.
5. Unlawful carnal knowledge, or any attempt to have unlawful carnal knowledge, of a girl under 16 years of age.
6. Indecent assault if such crime or offence be indictable in the place where the accused or convicted person is apprehended.
7. Kidnapping or false imprisonment.
8. Child stealing, including abandoning, exposing or unlawfully detaining.
9. Abduction.
10. Procuration: that is to say the procuring or transporting of a woman or girl under age, even with her consent, for immoral purposes, or of a woman or girl over age, by fraud, threats, or compulsion, for such purposes with a view in either case to gratifying the passions of another person provided that such crime or offence is punishable by imprisonment for at least one year or by more severe punishment.
11. Bigamy.
12. Maliciously wounding or inflicting grievous bodily harm.
13. Threats, by letter or otherwise, with intent to extort money or other things of value.
14. Perjury, or subornation of perjury.
15. Arson.
16. Burglary or housebreaking, robbery with violence, larceny or embezzlement.
17. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any company, or fraudulent conversion.
18. Obtaining money, valuable security, or goods, by false pretences; receiving any money, valuable security, or other property, knowing the same to have been stolen or unlawfully obtained.
19. (a) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money. (b) Knowingly and without lawful authority making or having in possession any instrument, tool, or engine adapted and intended for the counterfeiting of coin.
20. Forgery, or uttering what is forged.
21. Crimes or offences against bankruptcy law.
22. Bribery, defined to be the offering, giving or receiving of bribes.
23. Any malicious act done with intent to endanger the safety of any persons travelling or being upon [\*5] a railway.
24. Crimes or offences or attempted crimes or offences in connection with the traffic in dangerous drugs.
25. Malicious injury to property, if such crime or offence be indictable.
26. (a) Piracy by the law of nations. (b) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master; wrongfully sinking or destroying a vessel at sea, or attempting to do so; assaults on board a ship on the high seas, with intent to do grievous bodily harm.
27. Dealing in slaves.

**Please provide examples of implementation, including related court or other cases**

A request received from Burundi in a non-corruption case was refused by Tanzania as the conduct was deemed a political offence.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

#### **174. Paragraph 5 of article 44**

5. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.

*Does your country make extradition conditional on the existence of a treaty? (Check one answer)*

(Y) Yes

*Does your country consider this Convention as the legal basis for extradition in respect to any offence to which the article under review applies?*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

Tanzania does not use UNCAC as a legal basis for extradition.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

#### **175. Paragraph 6 of article 44**

6. A State Party that makes extradition conditional on the existence of a treaty shall:

- At the time of deposit of its instrument of ratification, acceptance or approval of or accession to this Convention, inform the Secretary-General of the United Nations whether it will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention; and
- If it does not take this Convention as the legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.

*Does your country make extradition conditional on the existence of a treaty? (Check one answer)*

(Y) Yes

*Does your country consider this Convention as the legal basis for extradition in respect to any offence to which this article applies? (Check one answer)*

(N) No

*Has your country concluded treaties on extradition with other States Parties to this Convention in order to implement this article? (Check one answer)*

(Y) Yes

*Please cite applicable treaties*

**Please cite the text(s)**

**No information is available from the Attorney General's office with regard to number of treaties that Tanzania has concluded to date on extradition.**

**Please provide details of cases in which such treaties were applied:**

**No information is available from the Attorney General's office regarding cases in which such treaties were applied.**

#### **176. Paragraph 7 of article 44**

7. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.

*Is your country in compliance with this provision? (Check one answer.)*

**(N) No**

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

#### **177. Paragraph 8 of article 44**

8. Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, inter alia, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s), including relevant domestic law(s) and conditions*

**Please cite the text(s)**

Section 3, Extradition Act  
Extradition Act, Section 5(2)  
Extradition Act, Section 15

**Please provide examples of implementation**

There is generally no minimum penalty requirement in the treaties for Tanzania to  
Tanzania

grant extradition. However, the Act specifies grounds for refusal (as described below).

**Please provide information on conditions and grounds upon which extradition requests were refused**

In the Burundi case described above, the request was refused because the offence was deemed a political offence. No others exist to the knowledge of the AG's office.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **178. Paragraph 9 of article 44**

9. States Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.

*Is your country in compliance with this provision? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 19, Extradition Act  
Section 25, Extradition Act  
Section 13, Extradition Act  
Section 6(3) and (4), Extradition Act

**Please provide examples of implementation including related court or other cases**

The amendment allowing extradition to be granted on the basis of a provisional arrest warrant was only issued in June 2011 and there have been no cases yet. On the grounds of simplified evidentiary requirements, proof of the offence having been committed in a requesting State is not needed but only affidavit of the requesting officer. This expedites the court proceeding.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **179. Paragraph 10 of article 44**

10. Subject to the provisions of its domestic law and its extradition treaties, the requested State Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting State Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 6(1), Extradition Act

**Please provide examples of implementation**

There have been no cases to date in corruption matters.

**If applicable and available, please provide information on recent court or other cases in which a person whose extradition was sought and who was present in your territory has been taken into custody and cases in which other appropriate measures were taken to ensure his or her presence at extradition proceedings (please describe those measures)**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

There have been no cases to date in corruption matters.

## **180. Paragraph 11 of article 44**

11. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.

*Is your country in compliance with this provision? (Check one answer.)*

**(N) No**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

**Please provide an account of your country's efforts to date to implement the provision under review.**

Tanzania can extradite its own nationals. In connection with the bombing of the US Embassy in Tanzania in 1998, a Tanzanian citizen was extradited to the US.

## **181. Paragraph 12 of article 44**

12. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence

imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that State Party and the State Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 11 of this article.

*Is your country in compliance with this provision? (Check one answer.)*

(N) No

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

**Please provide an account of your country's efforts to date to implement the provision under review.**

## **182. Paragraph 13 of article 44**

13. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested State Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting State Party, consider the enforcement of the sentence imposed under the domestic law of the requesting State Party or the remainder thereof.

*Is your country in compliance with this provision? (Check one answer.)*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

## **183. Paragraph 14 of article 44**

14. Any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the State Party in the territory of which that person is present.

*Is your country in compliance with this provision? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(ies) or measure(s):*

**Please cite the text(s)**

Section 16(3), Extradition Act

**Please provide examples of implementation, including related court or other cases**

The right to fair treatment is included in the Extradition Act and in Tanzania's extradition treaties. There have been no cases where this issue came up, apart from the Burundi case.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

#### **184. Paragraph 15 of article 44**

15. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person's position for any one of these reasons.

*Is your country in compliance with this provision? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(ies), practice(s), or measure(s)*

**Please cite the text(s)**

Section 16(3), Extradition Act

**Please provide examples of implementation**

No examples to date except Burundi.

**If applicable and available, please provide information on recent court or other cases where extradition was refused on such grounds**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

#### **185. Paragraph 16 of article 44**

16. States Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(ies) or measure(s):*

**Please cite the text(s)**

Under the Schedule [Section 27(1)] of the Extradition Act, a list of extradition crimes is provided to include some crimes which are also fiscal and therefore extraditable.

**Please provide examples of implementation**

There have been no examples of extradition involving fiscal matters.

**Please provide information on recent cases in which extradition involving fiscal matters was not refused**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **186. Paragraph 17 of article 44**

17. Before refusing extradition, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

As a matter of practice, Tanzania does not consult with the requesting State before the court refusal of the extradition request.

**Please provide examples of implementation**

**No information is available to date from either Judiciary or Attorney General's Office on the matter.**

**Please provide information on recent court or other cases and illustrations of relevant exchanges between your country and other States**

**No information is available to date from either Judiciary or Attorney General's Office on the matter.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

### **187. Paragraph 18 of article 44**

18. States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or

to enhance the effectiveness of extradition.

*Is your country in compliance with this provision? (Check one answer.)*

(P) Yes, in part

*Please cite any other bilateral or multilateral agreement(s) or arrangement(s) related to extradition that have not already been cited in previous answers related to this article*

Please cite the text(s)

**No information was readily available from the Attorney General Office on concluded bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.**

*Please provide examples of implementation including related court or other cases*

**No information was readily available with regard to examples of implementation including related court or other cases**

*Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.*

## 188. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(Y) Yes

*Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)*

(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc. )

There are no issues involving requests received by Tanzania. The issue is that requests from Tanzania to States with which no treaties are in place cannot be made. There is a need to amend the laws to allow Tanzania to use UNCAC as a legal basis. Because the death penalty is in place in Tanzania, other States will not always extradite criminals to Tanzania.

*Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)*

(CAPICM) Capacity-building programmes for authorities responsible for international cooperation in criminal matters

There is a need for training and capacity building for the AG's office.

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

**(P) Yes, in part**

**Who provides such assistance?**

There have been short conferences conducted by UNODC in Nairobi on organized crime and extradition.

**If such assistance is provided in the context of a programme or project, please provide a**

**description and attach the relevant document(s).**

*Would the extension and/or expansion of such assistance help your country adopt the measure(s) described in the article under review? (Check one answer)*

(Y) Yes

## **45. Transfer of sentenced persons**

### **189. Article 45**

States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences established in accordance with this Convention in order that they may complete their sentences there.

*Is your country in compliance with this provision? (Check one answer.)*

(P) Yes, in part

*Please cite applicable bilateral or multilateral agreement(s) or arrangement(s) related to the provision under review.*

**Please cite the text(s)**

Section 3, Transfer of Prisoners Act 2004

Section 26, Mutual Assistance in Criminal Matters 1991

**Please provide examples of implementation including related court or other cases**

**No information was readily available on examples of implementation.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **190. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## **46. Mutual legal assistance**

### **191. Paragraph 1 of article 46**

1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please summarize applicable mutual legal assistance laws and arrangements, including existing bilateral or multilateral agreement(s).*

**Please provide the summary.**

The Mutual Assistance in Criminal Matters Act 1991 provides for mutual legal assistance between Tanzania, Commonwealth countries and other foreign countries, to facilitate the provision and obtaining of such assistance by Tanzania, and to provide for matters related to or incidental to mutual assistance in criminal matters. Section 3 of the Act allows for mutual legal assistance to be rendered on the basis of reciprocity and by proclamation.

Section 3, Mutual Assistance in Criminal Matters Act 1991

Section 5, Mutual Assistance in Criminal Matters Act 1991

Section 39, Mutual Assistance in Criminal Matters Act 1991

*Please provide examples of implementation including related court or other cases*

**No information was readily available by the relevant authorities on examples of implementation of the article under review**

*Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.*

## **192. Paragraph 2 of article 46**

2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 26 of this Convention in the requesting State Party.

*Is your country in compliance with this provision? (Check one answer)*

**(Y) Yes**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Tanzania grants mutual legal assistance for requests involving legal persons so long as dual criminality is satisfied. There have been requests for MLA by and to the USA involving companies registered in Tanzania suspected of having engaged

in corruption.

**Please provide examples of implementation and related court or other cases, whether you were a requesting or a requested State**

### **193. Subparagraphs 3 (a) to 3 (i) of article 46**

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:
- (a) Taking evidence or statements from persons;
  - (b) Effecting service of judicial documents;
  - (c) Executing searches and seizures, and freezing;
  - (d) Examining objects and sites;
  - (e) Providing information, evidentiary items and expert evaluations;
  - (f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;
  - (g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;
  - (h) Facilitating the voluntary appearance of persons in the requesting State Party;
  - (i) Any other type of assistance that is not contrary to the domestic law of the requested State Party;

*Can your country afford the forms of mutual legal assistance listed in the provision above? (Check one answer)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 4, Mutual Assistance in Criminal Matters 1991  
Section 11, Mutual Assistance in Criminal Matters Act 1991  
Section 13(1), Mutual Assistance in Criminal Matters Act 1991  
Section 24(2), Mutual Assistance in Criminal Matters Act 1991  
Section 25(2), Mutual Assistance in Criminal Matters Act 1991  
Section 35(2), Mutual Assistance in Criminal Matters Act 1991

**Please provide examples of implementation of these measures, including court or other cases in which you have made or received a request for forms of mutual legal assistance listed in the provision under review.**

Assistance is frequently rendered by Tanzania in all of these categories both under the Act and under the MLA treaties, which generally provide the same purposes.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **194. Subparagraphs 3 (j) and 3 (k) of article 46**

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

...

(j) Identifying, freezing and tracing proceeds of crime in accordance with the provisions of chapter V of this Convention;

(k) The recovery of assets, in accordance with the provisions of chapter V of this Convention.

*Can your country afford the forms of mutual legal assistance listed in the provision above? (Check one answer)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 4, Mutual Assistance in Criminal Matters Act 1991

Sections 30-34, Mutual Assistance in Criminal Matters Act 1991

Section 35(2), Mutual Assistance in Criminal Matters Act 1991

**Please provide examples of implementation of these measures, including court or other cases in which you have made or received a request for forms of mutual legal assistance listed in the provision under review.**

There have been no cases to date.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **195. Paragraph 4 of article 46**

4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party to this Convention.

*Is it possible for your country to transmit information as described above?*

**(Y) Yes**

*Please cite the applicable policy(ies) or measure(s):*

**Please cite the text(s)**

Information has been exchanged sua sponte by law enforcement (ie, Tanzania police force) and through INTERPOL, but not by the AG's office to another central authority.

**Please provide examples of implementation and related mutual legal assistance and other cases.**

## **196. Paragraph 5 of article 46**

5. The transmission of information pursuant to paragraph 4 of this article shall be without prejudice to inquiries and criminal proceedings in the State of the competent authorities providing the information. The competent authorities receiving the information shall comply with a request that said information remain confidential, even temporarily, or with restriction on its use. However, this shall not prevent the receiving State Party from disclosing in its proceedings information that is exculpatory to an accused person. In such a case, the receiving State Party shall notify the transmitting State Party prior to disclosure and, if so requested, consult with the transmitting State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the transmitting State Party of the disclosure without delay.

*Is your country in compliance with this provision? (Check one answer.)*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

## **197. Paragraph 8 of article 46**

8. States Parties shall not decline to render mutual legal assistance pursuant to this article on the ground of bank secrecy.

*Is your country in compliance with this provision? (Check one answer.)*

(Y) Yes

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Tanzania does not refuse MLA requests on the grounds of bank secrecy. There have been no cases to date.

**Please provide examples of implementation, including recent cases in which bank secrecy rules or issues did not impede effective mutual legal assistance**

## **198. Subparagraph 9 (a) of article 46**

9. (a) A requested State Party, in responding to a request for assistance pursuant to this article in the absence of dual criminality, shall take into account the purposes of this Convention, as set forth in article 1;

*Is your country in compliance with this provision? (Check one answer.)*

(Y) Yes

*Please cite the applicable policy(ies), practice(s), or other measure(s)*

**Please cite the text(s)**

A request for MLA may be refused under the MLA Act (Section 6(2)(a) and (b)) if the underlying conduct was not recognized as a criminal offence in Tanzania. There have been no cases where assistance was rendered in cases involving conduct not criminalized in Tanzania.

**Please provide examples of implementation and related mutual legal assistance and other recent cases**

## **199. Subparagraph 9 (b) of article 46**

(b) States Parties may decline to render assistance pursuant to this article on the ground of absence of dual criminality. However, a requested State Party shall, where consistent with the basic concepts of its legal system, render assistance that does not involve coercive action. Such assistance may be refused when requests involve matters of a de minimis nature or matters for which the cooperation or assistance sought is available under other provisions of this Convention;

*Is your country in compliance with this provision? (Check one answer.)*

(Y) Yes

*Please cite the applicable policy(ies), practice(s), or other measure(s)*

**Please cite the text(s)**

Tanzania would render assistance in cases where the conduct is not recognized as a criminal offence in Tanzania and the assistance is non-coercive. There have been no cases.

**Please explain what measures you consider to be coercive; please attach any available definitions or relevant legal texts**

**Please explain what matters you consider to be of a de minimis nature; please attach any available definitions or relevant legal texts**

**Please provide examples of implementation and related mutual legal assistance and other cases**

**Please provide information on the types of non-coercive actions taken when rendering assistance in the absence of dual criminality**

**Please provide information on recent cases in which your country refused mutual legal assistance on the ground of absence of dual criminality**

**Please provide information on recent cases in which your request for mutual legal assistance was**

**refused on the ground of absence of dual criminality**

## **200. Subparagraph 9 (c) of article 46**

- (c) Each State Party may consider adopting such measures as may be necessary to enable it to provide a wider scope of assistance pursuant to this article in the absence of dual criminality.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(Y) Yes**

*Please cite the applicable policy(ies), practice(s), or other measure(s)*

**Please cite the text(s)**

There have been no cases.

**Please provide examples of implementation, including related court or other cases**

## **201. Paragraph 10 of article 46**

10. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:

- The person freely gives his or her informed consent;
- The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 14, Mutual Assistance in Criminal Matters Act 1991  
Section 15, Mutual Assistance in Criminal Matters Act 1991  
Section 24(1), Mutual Assistance in Criminal Matters Act

**Please provide examples of implementation, including related court or other cases**

A prisoner was transferred from Tanzania to testify in Rwanda in a genocide case.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **202. Paragraph 11 of article 46**

11. For the purposes of paragraph 10 of this article:
- (a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;
  - (b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;
  - (c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;
  - (d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State Party to which he or she was transferred.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 14(3), Mutual Assistance in Criminal Matters Act 1991  
Section 15, Mutual Assistance in Criminal Matters Act 1991  
Section 16, Mutual Assistance in Criminal Matters Act 1991  
Section 21, Mutual Assistance in Criminal Matters Act 1991  
Section 24(3), Mutual Assistance in Criminal Matters Act 1991  
Section 25(3), Mutual Assistance in Criminal Matters Act 1991  
Section 26, Mutual Assistance in Criminal Matters Act 1991

**Please provide examples of implementation, including related court or other cases**

In the above-mentioned case, these procedures were applied to the prisoner upon his return to Tanzania.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **203. Paragraph 12 of article 46**

12. Unless the State Party from which a person is to be transferred in accordance with paragraphs 10 and 11 of this article so agrees, that person, whatever his or her nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts, omissions or convictions prior to his or her departure from the territory of the State from which he or she was transferred.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(ies) or measure(s):*

**Please cite the text(s)**

Section 17, Mutual Assistance in Criminal Matters Act 1991  
Section 19, Mutual Assistance in Criminal Matters Act 1991  
Section 24(3), Mutual Assistance in Criminal Matters Act 1991  
Section 25(3), Mutual Assistance in Criminal Matters Act 1991

**Please provide examples of implementation, including related court or other cases**

The same example as above.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **204. Paragraph 13 of article 46**

13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.

*Has your country established a central authority(ies) as described above? (Check one answer)*

**(N) No**

**Please provide an account of your country's efforts to date to implement the provision under review.**

**No information was readily available by the relevant authorities on country's efforts to implement the provision under review**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

**No information was readily available**

*Has your country notified the Secretary-General as prescribed above (Check one answer)*

(N) No

*The Secretary-General would be grateful if Governments would send the aforementioned information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations, 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org).*

**The Secretary-General would be grateful if Governments would send the aforementioned information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations, 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org).**

*Does your country allow that requests for mutual legal assistance and any related communications to be transmitted to the central authorities designated by States parties? (Check one answer)*

(N) No

*Does your country require that such requests and related communications be addressed to it through diplomatic channels? (Check one answer).*

(Y) Yes

*Does your country agree that, in urgent circumstances, requests for mutual legal assistance and related communications should be addressed to it through the International Criminal Police Organization? (Check one answer.)*

(Y) Yes

## 205. Paragraph 14 of article 46

14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally but shall be confirmed in writing forthwith.

*Is your country in compliance with this provision with regard to the communication of requests for mutual legal assistance? (Check one answer)*

(N) No

*Has your country notified the Secretary-General of the United Nations as prescribed above? (Check one answer)*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

*The Secretary-General would be grateful if Governments would send the aforementioned information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations, 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org).*

**The Secretary-General would be grateful if Governments would send the aforementioned**

information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations, 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org).

## 206. Paragraphs 15 and 16 of article 46

15. A request for mutual legal assistance shall contain:

- (a) The identity of the authority making the request;
- (b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;
- (c) A summary of the relevant facts, except in relation to requests for the purpose of service of judicial documents;
- (d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;
- (e) Where possible, the identity, location and nationality of any person concerned; and
- (f) The purpose for which the evidence, information or action is sought.

16. The requested State Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s) and types of additional information you may need*

**Please cite the text(s)**

Section 9, Mutual Assistance in Criminal Matters Act 1991

**Please provide examples of implementation and related cases**

There is nothing inconsistent in the MLA treaties.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## 207. Paragraph 17 of article 46

17. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable policy(ies) or other measure(s)*

**Please cite the text(s)**

Section 6, Mutual Assistance in Criminal Matters Act 1991  
Section 9(2)(d)-(f), Mutual Assistance in Criminal Matters Act 1991  
Section 11(6), Mutual Assistance in Criminal Matters Act 1991

**Please provide examples of implementation**

Tanzania will execute MLA requests in accordance with its laws and the procedures in the request that do not violate Tanzania's laws.

**Please provide information on requests executed in ways specified in the request other than those envisaged in your domestic law**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **208. Paragraph 18 of article 46**

18. Whenever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness or expert by the judicial authorities of another State Party, the first State Party may, at the request of the other, permit the hearing to take place by video conference if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the requested State Party.

*Does your country permit hearings of individuals mentioned above to take place by video conference as described above? (Check one answer)*

**(Y) Yes**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Written Laws Amendments Act

**Please provide examples of implementation, including related court or other cases**

Written Laws Amendments Act allows for testimony to be taken by videoconference, which can be sent to a requesting State, and vice versa. There have been no cases where testimony was taken by videoconference. In one case, evidence was taken from 3 witnesses in Italy, which was admissible in court in Tanzania.

## **209. Paragraph 19 of article 46**

19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 17, Mutual Assistance in Criminal Matters Act 1991  
Section 19, Mutual Assistance in Criminal Matters Act 1991  
Section 24(3), Mutual Assistance in Criminal Matters Act 1991  
Section 25(3), Mutual Assistance in Criminal Matters Act 1991

**Please provide examples of implementation, including related court or other cases**

In practice, Tanzania has not used such information for any other purpose than specified in the request.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **210. Paragraph 20 of article 46**

20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 9, Mutual Assistance in Criminal Matters Act 1991

**Please provide examples of implementation and cases in which it was not possible to comply with the requirement of confidentiality**

As a matter of procedure, MLA requests are kept confidential by Tanzania and requests contain a request for confidentiality. In exceptional circumstances, there

may be an obligation to disclose this information, such as if the request involves public documents or a court orders disclosure.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **211. Paragraph 21 of article 46**

21. Mutual legal assistance may be refused:

- (a) If the request is not made in conformity with the provisions of this article;
- (b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;
- (c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;
- (d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.

*Does your country's legal system recognize any ground for refusal? (Check one answer)*

**(Y) Yes**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 6, Mutual Assistance in Criminal Matters Act 1991  
Section 9(2)(i), MACMA

**If applicable and available, please provide information on other cases in which you were refused mutual legal assistance**

**If applicable and available, please provide information on court or other cases in which you refused mutual legal assistance**

Nothing contrary in the existing treaties. To the AG's knowledge, Tanzania has never denied an MLA request.

## **212. Paragraph 22 of article 46**

22. States Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.

*Is your country in compliance with this provision? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

The list of exclusions in Section 6 of the Mutual Assistance in Criminal Matters Act 1991, does not include fiscal matters. Also, pursuant to Section 4 of the Written Laws (Miscellaneous Amendments) Act 2006, fiscal offences are included as "serious offences" for purposes of the Proceeds of Crime Act.

Section 6 of the Mutual Assistance in Criminal Matters Act 1991  
Section 4 of the Written Laws (Miscellaneous Amendments) Act 2006

**Please provide examples of implementation**

MLA has not been declined on the ground that the request involved fiscal matters.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **213. Paragraph 23 of article 46**

23. Reasons shall be given for any refusal of mutual legal assistance.

*Is your country in compliance with this provision? (Check one answer)*

**(Y) Yes**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Though not required under the MACMA, reasons would be given as a matter of practice for refusal of MLA.

**Please provide examples of implementation, including related court or other cases**

## **214. Paragraph 24 of article 46**

24. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requesting State Party may make reasonable requests for information on the status and progress of measures taken by the requested State Party to satisfy its request. The requested State Party shall respond to reasonable requests by the requesting State Party on the status, and progress in its handling, of the request. The requesting State Party shall promptly inform the requested State

Party when the assistance sought is no longer required.

***Has your country adopted and implemented the measures described above? (Check one answer.)***

**(P) Yes, in part**

***Please cite the applicable measure(s)***

**Please cite the text(s)**

Section 9, Mutual Assistance in Criminal Matters Act 1991

**Please provide examples of implementation and related cases**

Tanzania will make all reasonable effort to respond quickly and provide timely updates to the requesting State.

**Please provide information on the customary length of time between receiving requests for mutual legal assistance and responding to them**

The average time for responding to MLA requests in corruption and other criminal cases is 3-6 months.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **215. Paragraph 25 of article 46**

25. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.

***Is your country in compliance with this provision? (Check one answer.)***

**(P) Yes, in part**

***Please cite the applicable measure(s)***

**Please cite the text(s)**

Section 6(2), Mutual Assistance in Criminal Matters Act 1991

There have no cases to date.

## **216. Paragraph 26 of article 46**

26. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 25 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.

*Is your country in compliance with this provision? (Check one answer.)*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

This has not arisen in practice but related provisions are included in Tanzania's treaties, and Tanzania would consult with the requesting State before refusing or postponing the request.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

## **217. Paragraph 27 of article 46**

27. Without prejudice to the application of paragraph 12 of this article, a witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in that territory in respect of acts, omissions or convictions prior to his or her departure from the territory of the requested State Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days or for any period agreed upon by the States Parties from the date on which he or she has been officially informed that his or her presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his or her own free will.

*Is your country in compliance with this provision? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 17, Mutual Assistance in Criminal Matters Act 1991  
Section 18, Mutual Assistance in Criminal Matters Act 1991  
Section 19, Mutual Assistance in Criminal Matters Act 1991  
Section 24(3), Mutual Assistance in Criminal Matters Act 1991  
Section 25(3), Mutual Assistance in Criminal Matters Act 1991

There have been no cases to date.

## **218. Paragraph 28 of article 46**

28. The ordinary costs of executing a request shall be borne by the requested State Party, unless otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the States Parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

*Is your country in compliance with this provision? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable policy(ies) or other measure(s)*

**Please cite the text(s)**

Section 24(3)(d)(iii), Mutual Assistance in Criminal Matters Act 1991

**Please provide examples of arrangements related to such costs.**

Under Tanzania's treaties, the costs of the MLA request are borne by the requested State.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

Cost has not come up as an issue in MLA requests.

## **219. Subparagraph 29 (a) of article 46**

29. The requested State Party:

- (a) Shall provide to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are available to the general public;

*Is your country in compliance with this provision? (Check one answer.)*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

If Tanzania receives a request for MLA involving documents that are publicly available in Tanzania, it would be permitted to disclose the records. There have been cases where Tanzania has provided publicly available documents.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

## **220. Subparagraph 29 (b) of article 46**

29. The requested State Party:

...

- (b) May, at its discretion, provide to the requesting State Party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that

under its domestic law are not available to the general public.

*Is your country in compliance with this provision? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 5 of the Mutual Legal Assistance in Criminal Matters Act

**Please provide examples of cases where such information was provided.**

There have been no cases.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **221. Paragraph 30 of article 46**

30. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to, or enhance the provisions of this article.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)*

**Please cite the text(s)**

**No information was readily available on the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)**

**Please provide examples of implementation including related court or other cases**

**No information was readily available on examples of implementation including related court or other cases**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **222. Technical Assistance**

The following questions on technical assistance relate to the article under review in its

entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(Y) Yes

*Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)*

**(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)**

There is a limited capacity of personnel in dealing with MLA requests.

**(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)**

There are limited resources in dealing with MLA requests.

*Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)*

**(ADV) Legal advice**

A review of MACMA is needed with regard to the paragraphs of article 46 which Tanzania implements as a matter of practice and where procedures are not specified in the MACMA (eg, 46(9) and 46(21)).

**(CAPICM) Capacity-building programmes for authorities responsible for international cooperation in criminal matters**

There is a need for capacity building for MLA in transnational crimes.

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

(Y) Yes

**Who provides such assistance?**

UNODC has provided related seminars.

**If such assistance is provided in the context of a programme or project, please provide a description and attach the relevant document(s).**

*Would the extension and/or expansion of such assistance help your country adopt the measure(s) described in the article under review? (Check one answer)*

(Y) Yes

## **47. Transfer of criminal proceedings**

### **223. Article 47**

States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence established in accordance with this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s)*

**Please cite the text(s)**

There have been no examples in practice. The law does not provide for transfer of proceedings to another State, but in principle this could be done in appropriate circumstances if the court is satisfied that justice would be rendered in another jurisdiction. Likewise, cases have not been accepted from other jurisdictions, though records of cases could be used in proceedings in Tanzania.

**Please provide examples of implementation**

In one case a request to transfer a case to Kenya was refused because the Government was not satisfied that justice would be rendered in the case.

**If available, please provide information on recent court or other cases in which proceedings for the prosecution of an offence of corruption have been transferred to and from you**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **224. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## **48. Law enforcement cooperation**

### **225. Subparagraph 1 (a) of article 48**

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

(a) To enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 6 (i) of the Anti-Money Laundering Act provides:

Section 54 c of the Prevention and Combating of Corruption Act:

Section 4 (2)c of the Prevention and Combating of Corruption Act:

Section 4(1) of the Prevention and Combating of Corruption Act:

- i) Tanzania cooperates closely with other regional and international law enforcement authorities in the context of INTERPOL.
- ii) The Financial Intelligence Units (FIU) is a member of the Egmont Group of FIUs and the Eastern and Southern African Anti Money Laundering Group (ESAAMLG).
- iii) Tanzania Police Force is in the final stages of a Memorandum of Understanding (MOU) with the Rwandan police.
- iv) Tanzanian law enforcement authorities cooperate through the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO) and through the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO).

**Please provide examples of implementation**

- i) The possibility of law enforcement cooperation through the East African Association of Anti-Corruption Agencies (EAAACA) exists
- ii) Tanzania is involved in law enforcement cooperation with other SADC countries through the Southern African Regional Police Chiefs Co-operation Organization (SARPCCO) and is also a member of the East African Police Chiefs Co-operation Organization (EAPCCO).

In the case of the bombing of an Ethiopian restaurant in Kampala, Uganda, a suspect was arrested in Tanzania due to information Tanzanian law enforcement authorities received from Uganda, and the person was extradited to Uganda.

**Do you have a database through which information can be shared?**

**If available, please provide examples of recent cases in which your law enforcement authorities have exchanged information with those of other State Parties for offences covered by this Convention (please describe the aspects of such offences covered by information exchanges)**

**If applicable, please provide information on exchange of information for recent cases involving other criminal activities**

In a case involving the National Bank of Commerce, Tanzania provided information sua sponte to authorities in Kenya that led to the arrest of a suspect.

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **226. Subparagraph 1 (b) of article 48**

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

...

(b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning:

(i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;

(ii) The movement of proceeds of crime or property derived from the commission of such offences;

(iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 4 of the Mutual Legal Assistance in Criminal Matters Act

**Please provide examples of implementation, including related court or other cases**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **227. Subparagraph 1 (c) of article 48**

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

...

(c) To provide, where appropriate, necessary items or quantities of substances for analytical or investigative purposes;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(N) No**

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

## **228. Subparagraph 1 (d) of article 48**

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

...

(d) To exchange, where appropriate, information with other States Parties concerning specific means and methods used to commit offences covered by this Convention, including the use of false identities, forged, altered or false documents and other means of concealing activities;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

In a criminal case with Rwanda, information about forged documents and assumed names was exchanged with Rwandan authorities, in response to a request Tanzanian law enforcement received from Rwanda.

**Please provide examples of implementation and related analyses, reports or typologies related to means and methods used to commit offences established in accordance with the Convention**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **229. Subparagraph 1 (e) of article 48**

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

...

(e) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

The Police Force has a long practice of exchanging personnel. Commissioners are posted as liaison officers in Nairobi, Botswana and Harare. No liaison officers from abroad are presently posted in Tanzania.

**Please provide examples of implementation**

**If applicable, please identify/describe the liaison officer positions within your law enforcement authorities**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **230. Subparagraph 1 (f) of article 48**

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

...

(f) To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

**(P) Yes, in part**

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 4 of the Mutual Legal Assistance in Criminal Matters Act

**Please provide examples of implementation including related court or other cases**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **231. Paragraph 2 of article 48**

2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or

arrangements between the States Parties concerned, the States Parties may consider this Convention to be the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, States Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

*Has your country entered into bilateral or multilateral agreements or arrangements on direct cooperation with law enforcement agencies of other States parties? (Check one answer.)*

(N) No

*Does your country consider this Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention? (Check one answer)*

(N) No

## 232. Paragraph 3 of article 48

3. States Parties shall endeavour to cooperate within their means to respond to offences covered by this Convention committed through the use of modern technology.

*Is your country in compliance with this provision? (Check one answer.)*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

## 233. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## 49. Joint investigations

### 234. Article 49

States Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis.

The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(P) Yes, in part

*Please cite the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)*

**Please cite the text(s)**

There are few examples in corruption cases, but joint investigations were conducted with US authorities (FBI, CIA) in a terrorism case. Joint investigations are more frequent at the regional level. For example, in one case Tanzania authorities conducted a joint money laundering investigation with India involving funds stolen from the Central Bank.

**Please provide examples of implementation**

**If available, please provide information on all joint investigations and joint investigative bodies**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **235. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(N) No

## **50. Special investigative techniques**

### **236. Paragraph 1 of article 50**

1. In order to combat corruption effectively, each State Party shall, to the extent permitted by the basic principles of its domestic legal system and in accordance with the conditions prescribed by its domestic law, take such measures as may be necessary, within its means, to allow for the appropriate use by its competent authorities of controlled delivery and, where it deems appropriate, other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within its territory, and to allow for the admissibility in court of evidence derived therefrom.

*Has your country adopted and implemented the measures described above? (Check one answer.)*

(P) Yes, in part

*Please cite the applicable measure(s)*

**Please cite the text(s)**

Section 40 A of the Tanzania Evidence Act

**Please provide examples of implementation, including related court or other cases**

Although technically admissible under the Evidence Act, there are difficulties in practice in admitting evidence from special investigative techniques in court because of judicial discretion and corruption in the judiciary.

In one case, a police officer who had conducted an undercover operation testified in Kampala, Uganda after a defendant had been extradited to Uganda, but there were difficulties in admitting the evidence.

The police force indicated that in an investigation conducted in Tanzania in 2010 involving a corrupt housing transaction, 3 witnesses located in Italy were permitted to testify in Italy by videoconference, which was admitted in court in Tanzania.

Controlled delivery is generally used in drugs cases, often evidence/substances are not admissible.

The judiciary indicated that despite the law, magistrates exercise discretion in applying this law to admit evidence. Capacity building is needed.

**If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available.**

**If available, please provide information on recent cases in which controlled delivery or other special investigative techniques have been used and admitted in court**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.**

## **237. Paragraph 2 of article 50**

2. For the purpose of investigating the offences covered by this Convention, States parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.

*Is your country in compliance with this provision? (Check one answer.)*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

## **238. Paragraph 3 of article 50**

3. In the absence of an agreement or arrangement as set forth in paragraph 2 of this article, decisions to use such special investigative techniques at the international level shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

## **239. Paragraph 4 of article 50**

4. Decisions to use controlled delivery at the international level may, with the consent of the States Parties concerned, include methods such as intercepting and allowing the goods or funds to continue intact or be removed or replaced in whole or in part.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(N) No

**Please provide an account of your country's efforts to date to implement the provision under review.**

**Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review**

## **240. Technical Assistance**

The following questions on technical assistance relate to the article under review in its entirety.

*Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)*

(Y) Yes

*Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)*

**(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)**

*Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)*

(CAPSPT) Capacity-building programmes for authorities responsible for designing and managing the use of special investigative techniques

There is a need for capacity building for investigators on how to use special investigative techniques, to ensure that electronic evidence is admissible in court.

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*

(N) No