



ASSET FORFEITURE, RECOVERY AND MANAGEMENT GUIDELINES

**(Issued under Sections 19(1) and 25(2) of the National
Prosecutions Service Act, Cap 430)**

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PREFACE

The United Republic of Tanzania is committed to the global fight against crime in order to ensure that criminals cannot seek safe heaven for their ill-gotten wealth. Therefore, being part of the international community, Tanzania has put in place legal and institutional framework for forfeiture and recovery of tainted properties in terms of the general principle that crime does not pay. The process of forfeiture and recovery involves identification, tracing, preservation, management, confiscation, enforcement and disposal of tainted properties.

Tanzania, like many other countries, has taken initiatives through international cooperation and the existing legal and institutional framework to demonstrate that asset recovery is possible. However, there are challenges in identification, tracing, preservation, management, confiscation and disposal of tainted properties which prompted the need for developing these Guidelines

It is my hope that these Guidelines will prove useful for investigators, prosecutors and other relevant stakeholders. I therefore, look forward to using the guidelines to provide technical assistance, build consistency and achieve immediate outcome in

handling cases with asset potentiality across the country.



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ACKNOWLEDGEMENTS

The Asset Forfeiture, Recovery and Management Guidelines have been developed by the Director of Public Prosecutions (DPP) pursuant to Sections 19(1) and 25(2) of the National Prosecutions Service Act, Cap 430 for purposes of improving the quality on how to deal with tainted properties and to make sure that their value are preserved. On behalf of the National Prosecutions Service (NPS), may I convey our sincere gratitude to the United Kingdom's Foreign, Commonwealth and Development Office (FCDO) and the European Union (EU) for their partnership and support in developing this important document under the Building Sustainable Anti-Corruption Action in Tanzania (BSAAT) Programme.

I would like to extend special thanks to our key stakeholders including, but not limited, to the Tanzania Police Force (TPF), Ministry of Natural Resources and Tourism (MNRT), Prevention and Combating of Corruption Bureau (PCCB), Ministry of Finance and Planning (MoF), Registration, Insolvency and Trusteeship Agency (RITA) and Ministry of Constitution and Legal Affairs (MoCLA) for their invaluable inputs throughout the process. Their views, critiques and contributions have immensely contributed to the improvement of the content of this document.

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ABBREVIATIONS

ARINSA	–	Asset Recovery Inter-Agency Network of Southern Africa.
BSAAT	–	Building Sustainable Anti-Corruption Action Tanzania
BRELA	–	Business Registration and Licensing Authority
CAP	–	Chapter
CMSA	–	Capital Market and Securities Authority
DPO	–	District Prosecutions Officer
DPP	–	Director of Public Prosecutions
EU	–	European Union
FCDO	–	Foreign Commonwealth and Development Organization
FIU	–	Financial Intelligence Unit
INTERPOL	–	International Criminal Police Organization
MACMA	–	Mutual Assistance in Criminal Matters Act

MLA	– Mutual Legal Assistance
MoF	– Ministry of Finance and Planning
MoCLA	– Ministry of Constitution and Legal Affairs
MNRT	– Ministry of Natural Resources and Tourism
NIDA	– National Identification Authority
NPS	– National Prosecutions Service
NPSA	– National Prosecutions Service Act
PCCB	– Prevention and Combating of Corruption Bureau
POCA	– Proceeds of Crime Act
PST	– Permanent Secretary Treasury
RPO	– Regional Prosecutions Officer
TANESCO	– Tanzania Electricity and Supply Company
TRA	– Tanzania Revenue Authority

DEFINITION OF TERMS

Abscondment – has a meaning as ascribed to it under section 5 of the Proceeds of Crime Act, Cap 256 (POCA).

Ancillary orders - has the meaning assigned to it under section 49 of POCA.

Confiscation - has a meaning as ascribed under section 3 of POCA.

Foreign forfeiture order – has a meaning as assigned to it under section 2 of the Mutual Assistance in Criminal Matters Act, CAP 254 (MACMA).

Foreign restraining order – has a meaning as ascribed to it under section 2 of MACMA.

Foreign pecuniary order – has a meaning as ascribed to it under section 2 of MACMA.

Ongoing concern- it is but not limited to, the business whose activity is consistent, perpetual and the hours are regular.

Property - has a meaning assigned to it under section 3 of POCA.

Special Interim Management Account - means an account established under section 44(7) of POCA

Tainted properties - has a meaning as ascribed to it under section 3 of POCA.

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PART I

1.0 INTRODUCTION

1.1 Mandate, Objectives and Rationale

The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (Vienna Convention), The United Nations Convention Against Transnational Organised Crime, 2000 (UNTOC) and United Nations Convention Against Corruption, 2003 (UNCAC) require member states to put in place confiscation measures in combating crimes. Tanzania being a signatory to these International Conventions has enacted several confiscation laws to ensure that all tainted properties are recovered.

Article 59B of the Constitution of the United Republic of Tanzania, Cap 2, provides for the appointment of the DPP and vests him with powers to initiate, prosecute and supervise all criminal prosecutions in the country. In line with the powers vested to the DPP under the Constitution, Sections 9, 17 and 25 of NPSA, mandate the DPP to prosecute and supervise all criminal prosecutions as well as to co-ordinate all criminal investigations in the country.

Section 13 of the NPSA, mandates the DPP to take any further proceedings or steps that may be

required to recover the amount payable to the Government or enforce an order forfeiting the property to the Government or any other order resulting from proceedings conducted by NPS under any other law.

Notwithstanding the enactment of confiscation laws, there have been challenges in identification, tracing, preservation, management, confiscation and disposal of tainted properties. Currently there are no Guidelines in place to guide prosecutors and investigators for better implementation of forfeiture, recovery and management of tainted properties.

THEREFORE, The DPP has developed these Guidelines for better implementation of forfeiture, recovery and management of tainted properties.

1.2 SCOPE

These Guidelines are intended to guide investigators, prosecutors and other relevant stakeholders in relation to identification, tracing, preservation, management, confiscation and disposal of tainted properties.

PART II

2.0 ASSET TRACING

Asset tracing is an integral part of financial investigations which entail determining the subject's assets, examine the benefit generated by criminal activity and following its trail. It includes tracking, identifying and locating tainted properties.

2.1 Duties of an investigator during asset tracing

An investigator, upon receipt of a criminal complaint in respect of the serious offence he shall: -

- (a) Determine whether a case is an asset recovery potential by taking into consideration if: -
 - i. any property was used in or in connection with the commission of an offence;
 - ii. any property was generated from the commission of the offence; or
 - iii. the accused derived any benefit from the commission of an offence or the accused possess any property of corresponding value'.
- (b) Conduct financial investigations parallel to criminal investigations, upon being satisfied

that, the case has an asset recovery potential.

- (c) Liaise with RPO or DPO for early consultation and coordination.
- (d) Conduct asset tracing investigations by establishing the following:-
 - i. Nature and type of the property;
 - ii. Ownership of the property;
 - iii. The status of the owner of the property;
 - iv. Time of acquisition;
 - v. Source of income of the owner of the property;
 - vi. Value of the property involved;
 - vii. Interest of third parties;
 - viii. Connection of the property to the offence alleged to have been committed;
 - ix. Location of the property;
 - x. Any other properties owned or controlled by the accused;
 - xi. Establish any benefit derived from the commission of an offence;
 - xii. Establish if the property is an ongoing concern.
- (e) In establishing the aspects identified under (d) above, obtain information from:-

- i. open sources such as Google, Facebook, Instagram, Telegram, Twitter, and whatsapp;
 - ii. relevant authorities including; Business Registration and Licensing Agency (BRELA), Tanzania Revenue Authority (TRA), Land Registry, financial institutions, Capital Market and Securities Authority (CMSA), Insurance Entities, Financial Intelligence Unit (FIU) and National Identification Authority (NIDA);
 - iii. Utility companies such as Water Authorities, Tanzania Electric Supply Company (TANESCO);
 - iv. Telecommunication and service providers, depending on the nature of the property and information required.
- (f) Where a summons is issued to an officer or authority requesting information related to property or a statement to be recorded in respect of the same, and the authority or officer refuses to give or gives a wrong statement, the investigator shall commence a criminal investigation as per section 36 (2) of POCA.
- (g) Take all necessary measures in respect to the said property by ensuring the following:

- i. Identify the location to be searched and plan the operation accordingly;
 - ii. Where the asset in question is money in the bank account, freeze the bank account and seize any documents from the bank or financial institution;
 - iii. Take necessary precautions to maintain operational integrity;
 - iv. Execute the warrant in accordance with the authorization;
 - v. Fill the Certificate of Seizure, put all necessary documents in the file and maintain a chain of custody;
 - vi. Preserve the property in accordance to PART V of these guidelines.
- (h) Where the property seized is money in cash, liaise with the RPO or DPO for necessary guidance in order to get a court order and within seven (7) days deposit the money into the Special Interim Management Account and put in the file the certificate of seizure, deposit slip and any other relevant documents.
- (i) Where the property involved is money in a bank account or in mobile phones, immediately initiate freezing process by informing the investigation officer in charge for him to cause the account to be frozen or

prohibitory notice to be issued by the DPP to freeze the said account.

- (j) Upon freezing of the account referred to in paragraph (h) above, cause the freezing order or prohibitory notice to be kept in the case file.
- (k) Where there is a need for extension of the freezing order by Court, submit the case file with sufficient evidence to the RPO or DPO within seven (7) days before expiry the freezing period.
- (l) Follow the procedures provided in PART VIII of these guidelines where the property involved or the evidence sought is outside the United Republic of Tanzania.
- (m) Upon collecting sufficient evidence, immediately submit the financial investigation file to the RPO or DPO for necessary actions. Depending on the nature of the case, the financial investigation file can be submitted separately or together with criminal investigation file.
- (n) Where an accused person who is under investigation or trial in respect of a serious offence absconds, notify the RPO or DPO for purposes of instituting a confiscation application in Court.

PART III

3.0 INTERIM ORDERS

Interim orders are temporary orders made by the Court or other competent authorities for purposes of preserving the value of an asset and preventing its dissipation pending determination of the criminal trial. This is to ensure that, assets are made available to satisfy the confiscation order. These orders include but not limited to, restraining, freezing and other ancillary orders.

3.1 Duties of Prosecutors

- (a) Upon receipt of the case file from investigative organs, the RPO or DPO shall ensure the following:-
 - (i) The case file is registered in both electronic and physical asset registers;
 - (ii) The registers referred in paragraph (i) above shall contain file reference number, name of the suspect, underlying criminal offence, nature and type of the property, owner of the property, value of the property, condition of the property, locality of the property, name and contact of the investigator and investigative organ;

- (iii) The RPO or DPO shall assign the case file to the prosecutor for review of evidence.
- (b) The assigned prosecutor shall review the evidence in the financial investigation file and give his legal opinion within seven days or other time as provided by RPO or DPO, depending on the nature of the case.
- (c) The assigned prosecutor, while reviewing the evidence, shall take into account the following:-
 - (i) The asset recovery potentiality;
 - (ii) Nature and type of the property involved such as ongoing business; shares, motor vehicles and landed properties;
 - (iii) Connection between the property and criminal offence;
 - (iv) Value of the property involved;
 - (v) Ownership of the property;
 - (vi) Time of acquisition of the property;
 - (vii) Locality of the property;
 - (viii) Where the case involves money in the bank account, the freezing; order or prohibitory notice issued.

- (d) Where the review of evidence is done and the decision to institute an application for interim orders is preferred, the assigned prosecutor shall immediately prepare the application depending on the type of the order preferred.
- (e) Where the interim order preferred is an extension of the freezing order in respect to money in the bank account or mobile phone, the assigned prosecutor shall prepare the application in accordance with **ANNEX 1**.
- (f) Where the interim order preferred is restraining, the assigned prosecutor shall prepare the application in accordance with **ANNEX 2**.
- (g) Where the property subject to a restraining application is subject to natural decay, wear and tear, depreciation or whose maintenance may cause substantial expenses, the prosecutor shall ensure that, the application contains all necessary prayers for execution of the order depending on the nature of the property such as management of the restrained property and or pre- confiscation disposal in accordance with **ANNEX 3**.
- (h) In case of a pre- confiscation disposal, the assigned prosecutor shall take all necessary steps to ensure that, proceeds of the sale to

be deposited in the Special Interim Management Account.

- (i) Where the Court grants an interim order, the RPO or DPO shall follow the enforcement procedures in PART VI of these guidelines.
- (j) Upon obtaining a restraint order, the RPO or DPO, where necessary, makes an application to the court for better carry out the restraint order
- (k) Where the Court grants an interim order in respect of properties which are outside the United Republic of Tanzania, the RPO or DPO shall follow the procedures in PART VIII of these guidelines.
- (l) The RPO or DPO shall ensure timely reporting of interim applications and orders to the DPP for further directives, records and statistical purposes.
- (m) Where the Court makes a decision in respect of an interim application and the RPO or DPO is not satisfied with the same, he shall issue a notice of intention to appeal and take necessary steps to ensure that status quo of the property is maintained.

PART IV

4.0 CONFISCATION OF ASSETS

Confiscation of assets can be in the form of a forfeiture of a tainted property, forfeiture of a property of a corresponding value or a pecuniary penalty order. Confiscation can be preferred where there is actual conviction in a criminal case or a deemed conviction.

4.1 Duties of a Prosecutor

(a) In determining whether it is worthwhile to institute a confiscation application in Court, the assigned prosecutor shall consider the following: -

- i. Nature and type of the property involved;
- ii. Location of the property;
- iii. Ownership of the property;
- iv. Value of the property;
- v. Review of evidence collected for purposes of connecting the property with the criminal offence;
- vi. Time of acquisition of the property;
- vii. Whether the property is free from encumbrances.

- (b) In preparing an application mentioned in paragraph (a) above the assigned prosecutor shall consider the following: -
- i. Jurisdiction of the court;
 - ii. Intended respondent(s);
 - iii. Interested person(s) to be notified with the confiscation application;
 - iv. Location of the property;
 - v. Value of the property;
 - vi. The application to contain all necessary prayers for execution of the order depending on the nature of the property;
- (c) When an accused person has derived benefit from the commission of a serious offence, but the investigation has failed to locate the proceeds of crime, the assigned prosecutor shall prepare a confiscation application in accordance with **ANNEX 4**.
- (d) Where the confiscation application has been filled in Court, the RPO or DPO shall cause the said application to be served to the respondent(s) and any other known interested parties.
- (e) Where the interested parties to the properties subject to the confiscation application are not known, the RPO or DPO shall cause the notice of the confiscation application to be

published in the widely circulating newspaper.

- (f) Where the Court grants a confiscation order, the RPO or DPO shall follow the enforcement procedures in PART VI of these guidelines.
- (g) Where the Court grants a confiscation order in respect of properties which are outside the United Republic of Tanzania, the RPO or DPO shall follow the procedures in PART VIII of these guidelines.
- (h) The RPO or DPO shall ensure timely reporting of confiscation applications and orders to the DPP for further directives, records and statistical purposes
- (i) Where the Court makes a decision in respect of a confiscation application and the RPO or DPO is not satisfied with the same, he shall issue a notice of intention to appeal and take necessary steps to ensure that status quo of the property is maintained.

4.2 Confiscation in Cases of an Actual Conviction.

Where the Court convicts an accused of a serious offence and the property in question was;-

- (a) tendered in Court as an exhibit, the assigned prosecutor shall pray for an outright forfeiture immediately after the conviction.
- (b) not tendered in Court as an exhibit or was tendered in Court as an exhibit but the Court directs otherwise, the assigned prosecutor shall prepare a forfeiture application in accordance with **ANNEX 5**.

4.2 Confiscation in Cases of a Deemed Conviction.

Where the accused person; -

- (a) absconds before he is charged, and the decision to file a confiscation application in that respect has been made, the assigned prosecutor shall: -
 - i. Prepare and institute a charge against the accused person in court;
 - ii. Apply for arrest warrant and make publication of the same; and
 - iii. After the expiry of six months, institutes a confiscation application in court in accordance with **ANNEX 6**.
- b. absconds during trial, and the decision to file a confiscation application has been made, the assigned prosecutor shall: -

- i. Apply for arrest warrant and make publication of the same.
 - ii. After the expiry of six months, institutes a confiscation application in court in accordance with **ANNEX 6**.
- c. dies while under investigation or during trial but before he is convicted, the assigned prosecutor shall prepare a confiscation application to be instituted in court in accordance with **ANNEX 7**.
- d. has acquired, holds or is dealing with tainted property but cannot be brought before a court in respect of a serious offence for reasons of not being eminable to justice, the assigned prosecutor shall prepare a confiscation application in accordance with **ANNEX 8**.

PART V

5.0 ASSET MANAGEMENT

Asset management is an essential aspect of asset recovery, it ensures that seized and confiscated assets are safe and their values are preserved until when they are realized and pay the proceeds to the Government or the victim. The ultimate goal in managing seized assets is to ensure that they are preserved at minimal cost and that they yield maximum return when realized. Therefore, it is important for every stakeholder to take necessary measures to ensure that assets are well managed and their value is preserved. Management of assets should be considered from the time they are seized until when they are confiscated depending on their nature as specified but not limited to **ANNEX 9** which shows the type of assets and their management.

5.1 PRE-CONFISCATION STAGE

This stage deals with the measures to be followed once an asset has been identified as liable to confiscation. The focus is to successfully manage frozen, seized or restrained assets of allegedly illicit pending final confiscation or release order. The main objective during this stage is to ensure the

asset is available when the confiscation or release order is made.

5.1.1 Role of the Investigator during the Pre-Confiscation stage.

During this stage, the investigator shall;

- (a) Prepare a pre-seizure plan including assessment of the assets before they are frozen, seized or restrained in accordance with **ANNEX 13**;
- (b) Plan how the seized property will be managed in accordance with **ANNEX 13**;
- (c) Inspect the asset upon seizure and at the disposal;
- (d) Effectively record all details and particulars of the seized assets;
- (e) Take a photo and keep the record of the same in the case file;
- (f) In collaboration with relevant Authority, assess the value of the property;
- (g) Fill and maintain an asset management Register in accordance with **ANNEX 10**;
- (h) Take all necessary measures to ensure safety and maintain the value of the property until final determination of the matter in accordance with **ANNEX 13**;
- (i) Advise pre confiscation sale if the assets involved are subject to natural decay,

wear and tear, depreciation or whose maintenance may cause substantial expenses;

- (j) Where the property seized is money in cash, shall within seven (7) days after the said seizure liaise with the RPO or DPO for necessary guidance in order to get a court order and, within seven (7) days after obtaining a court order deposit the money into the Special Interim Management Account and put in the file the certificate of seizure, deposit slip and any other relevant documents.

Provided that the said money is not subject to further investigative measures including forensic examination.

- (k) Where the money seized in cash is in currency other than Tanzanian Shillings (TZS) or United States Dollars (USD), cause the money to be exchanged into TZS at the prevailing exchange rate
- (l) When depositing the money in the Special Interim Management Account, make sure that he is furnished with necessary documents including print out, machine serial number or journal rolls and put the said documents in the file

- (m) Where the property seized is an ongoing concern,-
 - i. Assess the nature of the business;
 - ii. Obtain all necessary documents establishing legality and ownership of the business;
 - iii. Advise on how best to manage the ongoing concern.
- (n) Liaise with RPO or DPO for coordination.

5.1.2 Management of assets where a Restraining order is granted.

Where the Court has issued a restraining order against the property and placed it in the control of the trustee, Administrator General or any other public trustee, the following shall be taken into account: -

- (a) The RPO or DPO shall supervise the execution of the order;
- (b) The value of the property is preserved until the proceedings have been concluded;
- (c) Copy of the court order is safely kept; and
- (d) The asset management register is updated.

5.1.3 Management of Assets where no Confiscation Order is granted.

Upon finalization of the criminal case and no confiscation order is granted by the court at the time of delivering the judgment, the following shall be taken into account; -

- (a) The assigned prosecutor shall immediately inform the RPO or DPO after the court decision is pronounced;
- (b) The RPO or DPO shall communicate the court decision to the DPP within two (2) days for directives, records and statistical purposes, the investigator and or the person managing the asset;
- (c) The person managing the restrained assets shall, after consultation with the RPO or DPO, return the said asset to the owner or any interested party within fourteen (14) days in accordance with **ANNEX 11** and the same be reflected in the asset management register.
- (d) The person managing the restrained assets shall submit a copy of the handling over certificate to the RPO or DPO for record and statistical purposes.

5.2 POST-CONFISCATION STAGE

As soon as the confiscation order is granted by the Court, the following shall be taken into account;

- (a) The assigned prosecutor shall inform the RPO or DPO immediately after the order is pronounced by the court.
- (b) The DPO shall communicate to the RPO who shall communicate the order to the DPP within two (2) days for directives, records and statistical purposes.
- (c) The RPO or DPO shall communicate the confiscation order to the person managing the property.
- (d) The Communication in (b) and (c) above shall include a copy of the order, description, photo, bank deposit slip, status and locality of the property.
- (e) The confiscated property shall remain under the custody of the person managing the same until expiration of the time fixed for appeal and the assets are handled to the Permanent Secretary in the Ministry responsible for Treasury (PST).
- (f) If no pending appeal, the DPP shall handover the confiscated property to the PST in accordance with **ANNEX 12**.

PART VI

6.0 ENFORCEMENT OF ORDERS

Where the Court has issued restraining, confiscation or compensation order, steps must be taken to enforce the order to make it effective.

6.1 Pre-confiscation stage

Where the court grants an interim order, the assigned prosecutor shall:-

- i. Report to the RPO or DPO as soon as the order is granted.
- ii. Obtain a copy of the order from the court timely.
- iii. Cause an entry of the order into the asset management register.

6.1.1 Enforcement of a Domestic Interim Order

Upon receipt of the domestic interim order, the RPO or DPO shall:-

- i. Apply to the appropriate Authority for recording of particulars of the order in respect of the properties which are subject of registration.
- ii. Cause service of the order to all parties named in the order or affected by the order or mandated to execute the order.

- iii. Make follow up and obtain a written confirmation from the Authority or person to whom the order has been served regarding execution of the order.

6.1.2 Enforcement of a Foreign Interim Order

Upon receipt of the foreign interim order from the DPP, the RPO or DPO shall:-

- (a) Communicate with the relevant investigative Authority for verification of the existence of the assets named in the order.
- (b) After verification of asset cause an application for registration of foreign interim order to be prepared and filed in the High Court.
- (c) Where the court registers a foreign interim order, communicate the said order to the DPP for further steps, directives, records and statistical purposes.
- (d) Cause service of the registered foreign interim order to all parties named in the order or affected by the order or mandated to execute the order.
- (e) Make follow-up and obtain a written confirmation from the Authority or person to whom the registered foreign interim

order has been served regarding execution of the order.

6.2 Post confiscation stage

Where the Court grants a confiscation order, the assigned Prosecutor shall:-

- (a) Report to the RPO or DPO as soon as the order is granted.
- (b) Obtain a copy of the order from the court timely.
- (c) Cause an entry of the order into the asset management register.

6.2.1 Enforcement of a Domestic Confiscation Order

Upon receipt of the Confiscation order, the RPO or DPO shall:-

- (a) Cause service of the order to Authority or person mandated to execute the order.
- (b) In case of a compensation order, cause an application for warrant of levy to be filed in court for purposes of making the identified properties of the convict available in order to satisfy the order.

6.2.2 Enforcement of a Foreign Confiscation Order

Upon receipt of the foreign confiscation order from the DPP, the RPO or DPO shall:-

- (a) Communicate with the relevant investigative Authority for verification of the existence of the assets named in the order.
- (b) After verification, cause an application for registration of a foreign forfeiture order or foreign pecuniary penalty order to be prepared and filed in the High Court.
- (c) Where the court registers a foreign forfeiture order or foreign pecuniary penalty order, communicate the said order to the DPP for further steps, directives, records and statistical purposes.

PART VII

7.0 DISPOSAL OF PROPERTIES

The aim of confiscating tainted properties is to ensure that criminals do not benefit from their ill-gotten wealth and to return the same to the affected party. Thus, for this purpose to be met, disposal orders granted by the court in respect of tainted properties are to be enforced. Disposal orders can be granted before or after confiscation order is granted.

7.1 Pre-confiscation stage

Where a property subject to natural decay, wear and tear, depreciation or whose maintenance may cause substantial expenses, the assigned prosecutor shall;

- (a) Apply to the court for a disposal order.
- (b) Where the Court issues a disposal order in respect to paragraph (a) above, ensure that photos of the said property are taken before its disposal.
- (c) Oversee that the disposal process is conducted and attended by relevant stakeholders, including the accused person, depending on the circumstances.

- (d) Ensure the proceeds of the sale are deposited in the Special Interim Management Account.
- (e) Ensure that the disposal order and deposit slip are kept in the case file for records.
- (f) Depending on the circumstances of each case, the proceeds of the sale, deposit slip and the photos taken shall be used in lieu of the physical property disposed.

7.2 Post-confiscation stage

Where there is no pending appeal against a conviction or confiscation order or where the time fixed for lodging an appeal has elapsed, the following shall be considered:-

- (a) The assigned prosecutor shall report to the RPO or DPO for directives.
- (b) The DPO shall, within fourteen days, communicate the list of forfeited assets received from the prosecutor to the RPO.
- (c) The RPO shall, within thirty (30) days, be required to submit to the DPP a list of forfeited Assets and confiscation orders as received from the prosecutor or DPO and shall notify the

- person or authority responsible for managing such assets for the purpose of disposal.
- (d) Upon receipt of the list of forfeited assets together with the relevant confiscation orders, the Director of Public Prosecutions shall, within six months, submit the same to the PST disposal process.
 - (e) After disposal, all related documents shall be kept in the respective case file, and an entry shall be made in the asset management register.

PART VIII

8.0 INTERNATIONAL COOPERATION

The international community has laid down measures to make sure that international boundaries do not act as a bar to other states from confiscating tainted properties located outside their jurisdiction. In that regard, asset tracing, identification, and preservation are important tools for successful confiscation.

8.1 Asset identification, Tracing and Preservation

Where the case under investigation involves a property or evidence which is outside the Country, the investigative Authority shall:-

- (a) Seek and obtain information through informal channels such as Financial Intelligence Unit (FIU), International Criminal Police Organization (INTERPOL) and Asset Recovery Inter-Agency Network of Southern Africa (ARINSA).
- (b) If the information sought is in respect of the property, establish the following:-
 - i. Ownership of the property

- ii. Connection of the property to the offence committed.
 - iii. Country and actual location of the property.
 - iv. Value of the property.
 - v. Time of acquisition
 - vi. Condition of the property.
- (c) Where the property involved is money in a bank account, the information sought shall intend to establish the following details:-
- i. Name of the Bank and Branch
 - ii. Account Number and type of currency.
 - iii. Name of the account holder
 - iv. Signatories
 - v. Amount involved.
 - vi. State in which the Bank is located.
- (d) In the process of obtaining such information, consult the RPO for necessary guidance.
- (e) Once sufficient information has been obtained, as soon as practicable compile and submit the case file to the DPP as the Central Authority in

mutual legal assistance request for necessary measures.

- (f) Where the DPP is satisfied that there is a need for MLA, he shall cause the request to be made in that regard.
- (g) Where the evidence has been received from other jurisdictions and the restraining application has been preferred and granted, the DPP shall cause the MLA request to be made for the purposes of registering and enforcement of the order.

8.2 Post Confiscation

Upon receipt of a confiscation order;-

- (a) In cases of a domestic confiscation order in respect of a property located outside the United Republic of Tanzania, the following shall be taken into consideration:-
 - i. The assigned prosecutor shall communicate the order to the RPO or DPO who shall communicate the same to the DPP.
 - ii. Upon receipt of the domestic confiscation order, the DPP shall cause the MLA request to

be made for the purposes of registration and enforcement of the domestic confiscation order in a respective foreign state.

- (b) In cases of a foreign forfeiture order or foreign pecuniary penalty order in respect of a property located within the United Republic of Tanzania, the DPP shall cause the application for registration of the said order to be filed in the High Court.

PART IX

9.0 GENERAL PROVISION

9.1 Legal Status of the guidelines.

These guidelines are internal directives intended to guide to all investigators, prosecutors and other relevant stakeholders in handling all cases with asset recovery potentiality. Nothing in these guidelines is intended to alter any legal procedure established by legislations in relation to identification, tracing, preservation, management, confiscation, enforcement and disposal of tainted properties.

9.2 Non Compliance with these Guidelines

- (a) Any violation or non-compliance of these guidelines shall be reported to the DPP.
- (b) After receiving the report for non-compliance, the DPP may issue appropriate sanctions

ANNEXURES

ANNEX 1 - APPLICATION FOR EXTENSION OF TIME OF THE FREEZING ORDER

**(a) CERTIFICATE OF URGENCY
(Name of the Court)**

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

CERTIFICATE OF URGENCY

I(name of the State Attorney/Prosecutor) duly authorized to represent the Applicant in this matter, DO HEREBY CERTIFY that this matter is of extreme urgency requiring immediate attention of this Court because *(provide the reason of the urgency)*.

Dated at.....on this.....day of20...

.....
STATE ATTORNEY/PROSECUTOR

Presented for filing this.....day of.....of 20.....

.....
REGISTRY OFFICER

Drawn and filled by:

Name.....

State Attorney/Prosecutor

P. O. Box,

Place.....

(b) CHAMBER SUMMONS

(name of the Court)

Criminal Application No.of 20.....

**THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT**

Versus

(Insert the name)

RESPONDENT

CHAMBER SUMMONS - EXPARTE

(Made under Sections 35 (2), 71 (2) and 74 of the
Proceeds of Crime Act, [Cap. 256])

LET THE PARTY concerned appear before
Honorable.....

Judge/Magistrate sitting in chambers on the
..... day of,

20..... in the forenoon or soon thereafter as the
Applicant may be heard on exparte application for
the following orders:

1. That, the Honourable Court be pleased to make an order for extension of time to freeze(*insert currency, bank account number, bank name and name of the holder of the account*) for investigation purposes
2. Any other order(s) as the Court deems fit and just to grant

This chamber summons has been taken at the instance of the Republic and it is supported by the affidavit of, (*name of the Investigator*) which gives the grounds for the orders sought and such other arguments that will be raised at the hearing.

Dated at.....on thisday of20.....

.....
STATE ATTORNEY/PROSECUTOR

Given under my hand and the SEAL OF THE COURT thisday of.....20.....

.....
RESIDENT MAGISTRATE/REGISTRAR

Presented for filing this.....day of.....of 20...

.....
REGISTRY OFFICER

Drawn and filled by:

Name.....

State Attorney/Prosecutor,

P. O. Box

Place.....

(c) AFFIDAVIT

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

AFFIDAVIT

I,(insert name of deponent), Adult, male/female, Christian/Muslim and resident of do hereby swear/affirm and state as follows;-

1. That I am (insert title) employed by(insert name of employer) stationed at..... (insert name of working station) assigned to investigate the

suspects in this matter, thus conversant with the facts deposed hereunder.

2. That,.....(*Insert the facts in support of the order(s) sought*).

Dated at....., this.....day of20.....

.....

DEPONENT

VERIFICATION

I.....(*insert name of deponent*) do hereby verify that what is stated in paragraph(s)..... (*insert the number paragraphs*) is true to the best of my knowledge and what is stated at paragraph (s)..... (*insert the number of paragraphs*) is the information obtained from investigation file which I verily believe to be true.

Verified at this.....day of, 20.....

.....

DEPONENT

Sworn/Affirmed at (*insert place*)
by the said.....(*name of deponent*)
who is known to me/identified to me by.....

.....

DEPONENT

the latter being known to me personally
thisday of.....20.....

BEFORE ME

Name:

Signature:

Address:

Qualification: **COMMISSIONER FOR OATHS**

Date:

DRAWN AND FILLED BY:

Name.....

State Attorney/Prosecutor,

P. O. Box,

Place.....

ANNEX 2 – Restraining application

(a) CERTIFICATE OF URGENCY - (Where circumstances so require)

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

CERTIFICATE OF URGENCY

I(name of the State Attorney/Prosecutor) duly authorized to represent the Applicant in this matter, DO HEREBY CERTIFY that this matter is of extreme urgency requiring immediate attention of this Court because *(provide the reason of the urgency)*.

Dated at.....on thisday of20...

.....
STATE ATTORNEY/PROSECUTOR

Presented for filing this.....day of.....of 20....

.....
REGISTRY OFFICER

Drawn and filled by:

Name.....

State Attorney/Prosecutor

P. O. Box,

Place.....

b) CHAMBER SUMMONS

(name of the Court)

Criminal Application No.of 20.....

**THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT**

Versus

(Insert the name)

RESPONDENT

**CHAMBER SUMMONS – EXPARTE/INTER-
PARTE**

(Made under Sections 44 (1) and (2) of the Proceeds of
Crime Act, [Cap. 256],),

LET THE PARTY/ALL PARTIES concerned appear
before Honorable.....
Judge/Magistrate sitting in chambers on the
..... day of,
20..... in the forenoon or soon thereafter as the
Applicant may be heard on application for the
following orders:

1. A restraining order prohibiting the Respondent(s), his/her/their agent(s) or any person(s) acting on his/her/their behalf from disposing of or interfering with the property (ies).....(list the properties with full and detail description).
2. *(in case of money in cash, an order directing money to be deposited in the Special Interim Management Account)*
3.*(in case of money in bank account, an order directing the transfer of the money to the Special Interim Management Account)*
4. *(in case of a registered landed property, an order prohibiting the Registrar of Titles from effecting disposition or transfer of ownership)*
5. *(in case of unregistered landed property, an order prohibiting the Local Government Executive Leader where the property is located from effecting the disposition or transfer of ownership)*
6. *(in case of movable property, an order prohibiting the Commissioner General of Tanzania Revenue*

Authority from effecting disposition or transfer of ownership).

7.(in case of shares and or bond, an order prohibiting the Director General, Capital Market and Securities Authority from effecting disposition or transfer of ownership).
8. Any other order(s) as the Court deems fit and just to grant

This chamber summons has been taken at the instance of the Republic and it is supported by the affidavit of, (*name of the Investigator*) which gives the grounds for the orders sought and such other arguments that will be raised at the hearing.

Dated at.....on thisday of20...

.....
STATE ATTORNEY/PROSECUTOR

Given under my hand and the SEAL OF THE COURT thisday of.....20.....

.....
RESIDENT MAGISTRATE/REGISTRAR

Presented for filing this.....day of.....of 20.....

.....
REGISTRY OFFICER

Drawn and filled by:

Name.....

State Attorney/Prosecutor

P. O. Box,

Place.....

c) AFFIDAVIT

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

AFFIDAVIT

I,**(insert name of deponent)** Adult, male/female, Christian/Muslim and resident of do hereby swear/affirm and state as follows;-

1. That I am
(insert title) employed by
.....(insert name of employer) stationed at.....
(insert name of working station)

assigned to investigate the suspects in this matter, thus conversant with the facts deposed hereunder.

2. That,.....(*Insert the facts in support of the order(s) sought*)
3. That, the properties mentioned in paragraph(s).....are tainted properties

Dated at, this.....day of20.....

.....
DEPONENT

VERIFICATION

I.....(insert name of deponent) do hereby verify that what is stated in paragraph(s)..... (insert the number paragraphs) is true to the best of my knowledge and what is stated at paragraph (s)..... (insert the number of paragraphs) is the information obtained from investigation file which I verily believe to be true.

Verified at this.....day of, 20.....

.....
DEPONENT

Sworn/Affirmed at (insert place)
by the said.....(name of deponent)
who is known to me/identified to me by.....
.....
DEPONENT

the latter being known to me personally
thisday of.....20.....

BEFORE ME

Name:

Signature:

Address:

Qualification: **COMMISSIONER FOR OATHS**

Date:

DRAWN AND FILLED BY:

Name.....

State Attorney/Prosecutor,

P. O. Box,

Place.....

ANNEX 3 – Restraining application in cases of pre confiscation sale.

(a) CERTIFICATE OF URGENCY

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

CERTIFICATE OF URGENCY

I(name of the State Attorney/Prosecutor) duly authorized to represent the Applicant in this matter, DO HEREBY CERTIFY that this matter is of extreme urgency requiring immediate attention of this Court because *(provide the reason of the urgency)*.

Dated at.....on thisday of20...

.....
STATE ATTORNEY/PROSECUTOR

Presented for filing this.....day of.....of 20....

.....
REGISTRY OFFICER

Drawn and filled by:

Name.....

State Attorney/Prosecutor

P. O. Box,

Place.....

(b) CHAMBER SUMMONS

(name of the Court)

Criminal Application No.of 20.....

**THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT**

Versus

(Insert the name)

RESPONDENT

**CHAMBER SUMMONS – (EXPARTE/INTER-
PARTE) depending on the circumstance**

(Made under Sections 44 (1), (2) and (7) of the
Proceeds of Crime Act, [Cap. 256])

LET THE PARTY/ALL PARTIES concerned appear
before Honorable.....
Judge/Magistrate sitting in chambers on the
..... day of,
20..... in the forenoon or soon thereafter as the

Applicant may be heard on application for the following orders:

1. A restraining order prohibiting the Respondent(s), his/her/their agent(s) or any person(s) acting on his/her/their behalf from disposing of or interfering with the property (ies).....(list the properties with full and detail description).
2. (in case of money in cash, an order directing money to be deposited in the Special Interim Management Account)
3.(in case of money in bank account, an order directing the transfer of the money to the Special Interim Management Account)
4. (in case of a registered landed property, an order prohibiting the Registrar of Titles from effecting disposition or transfer of ownership)
5. (in case of unregistered landed property, an order prohibiting the Local Government Executive Leader where the property is located from effecting the disposition or transfer of ownership)

6. (in case of movable property, an order prohibiting the Commissioner General of Tanzania Revenue Authority from effecting disposition or transfer of ownership).
7.(in case of shares and or bond, an order prohibiting the Director General, Capital Market and Securities Authority from effecting disposition or transfer of ownership).
8. An order of sale of (property which is subject to a pre confiscation disposal) listed in paragraph(s)herein above.
9. The sale mentioned in paragraph above to be conducted by a Court broker appointed by the Court.
10. An order directing the proceeds from the sale of (property which is subject to pre confiscation disposal) mentioned in paragraph be deposited in a Special Interim Management Account pending final determination of the criminal case against the Respondent(s).
11. Any other order(s) as the Court deems fit and just to grant

This chamber summons has been taken at the instance of the Republic and it is supported by the affidavit of, (*name of the Investigator*) which gives the grounds for the orders sought and such other arguments that will be raised at the hearing.

Dated at.....on thisday of20...

.....
STATE ATTORNEY/PROSECUTOR

Given under my hand and the SEAL OF THE COURT thisday of.....20.....

.....
RESIDENT MAGISTRATE/REGISTRAR

Presented for filing this.....day of.....of 20.....

.....
REGISTRY OFFICER

Drawn and filled by:

Name.....

State Attorney/Prosecutor,

P. O. Box,

Place.....

(c) AFFIDAVIT

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

AFFIDAVIT

I,**(insert name of deponent)** Adult, male/female, Christian/Muslim and resident of do hereby swear/affirm and state as follows;-

1. That I am (insert title) employed by(insert name of employer) stationed at..... (insert name of working station) assigned to investigate the suspects in this matter, thus conversant with the facts deposed hereunder.
2. That,.....*(Insert the facts in support of the order(s) sought*
3. That, the properties mentioned in paragraph(s)..... are tainted properties

Dated at.....(*insert place*) this.....day of20...

.....
STATE ATTORNEY

VERIFICATION

I.....(insert name of deponent) do hereby verify that what is stated in paragraph(s)..... (insert the number paragraphs) is true to the best of my knowledge and what is stated at paragraph (s)..... (insert the number of paragraphs) is the information obtained from investigation file which I verily believe to be true.

Verified at.....(*Insert place*)... this....day of..., 20....

.....
DEPONENT

Sworn/Affirmed at (insert place)
by the said.....who is.....
known to me/identified to me by



DEPONENT

.....
the latter being known to me personally
thisday of.....20.....

BEFORE ME

Name:

Signature:
Address:
Qualification: **COMMISSIONER FOR OATHS**
Date:.....

DRAWN AND FILLED BY:

Name.....
State Attorney/Prosecutor,
P. O. Box,
Place.....

**ANNEX 4 - Confiscation in cases of a Pecuniary
Penalty Order**

a) CHAMBER SUMMONS

(name of the Court)

Criminal Application No.of 20.....

**THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT**

Versus

**(Insert the name)
RESPONDENT**

CHAMBER SUMMONS

(Made under Sections 9 (1) (c), 24(1) and 26(1) and
(3) of the Proceeds of Crime Act [CAP 256])

LET THE PARTY/ALL PARTIES concerned appear before Honorable..... Judge/Magistrate sitting in chambers on the day of, 20..... in the forenoon or soon thereafter as the Applicant may be heard on application for the following orders:

1. A Pecuniary Penalty Order against the Respondent(s) requiring to pay to the Government of United Republic of Tanzania the sum of (insert amount) which is the benefit he/she/they derived from the commission of a serious offence.
2. An order declaring the undermentioned property(ies) of the Respondent(s) be available for attachment and sale to satisfy the pecuniary penalty order.
.....(list the property(ies) with its full description)
3. Any other order(s) as the Court deems fit and just to grant

This chamber summons has been taken at the instance of the Republic and it is supported by the affidavit of, (*name of State Attorney/Prosecutor/investigator*) which gives

the grounds for the orders sought and such other arguments that will be raised at the hearing.

Dated at..... thisday of20...

.....
STATE ATTORNEY/PROSECUTOR

Given under my hand and the SEAL OF THE COURT thisday of.....20.....

.....
RESIDENT MAGISTRATE/REGISTRAR

Presented for filing this.....day of..... 20.....

.....
REGISTRY OFFICER

Drawn and filled by:

Name.....

State Attorney/Prosecutor

P. O. Box,

Place.....

b) NOTICE OF FORFEITURE APPLICATION

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC PROSECUTIONS.....APPLICANT

Versus

(Insert the name)
.....RESPONDENT

NOTICE OF FORFEITURE APPLICATION
(Made Under Section 10(1)(a) of the Proceeds of
Crime Act [CAP 256])

TAKE NOTICE that the application has been made to the above named Honourable Court by the Director of Public Prosecutions in terms of Sections 9 (1) (c), 24 (1) and 26 (1) and (3) of the Proceeds of Crime Act [CAP 256]. You may appear before Hon..... Magistrate/Judge in chambers on day of 20.... in the forenoon or soon thereafter as the Applicant may be heard on application for the following orders:

1. A Pecuniary Penalty Order against the Respondent(s) requiring to pay to the Government of United Republic of Tanzania the sum of (insert amount) which is the benefit he/she/they derived from the commission of a serious offence.
2. An order declaring the undermentioned property(ies) of the Respondent(s) be

available for attachment and sale to satisfy the pecuniary penalty order.

.....(list the property(ies) with its full description).

3. Any other order(s) as the Court deems fit and just to grant

TAKE FURTHER NOTICE that the Applicant's address for service is

Director of Public Prosecutions,
National Prosecutions Service,
P. O. Box,

Place.....

Dated at, this day of 20

.....
RESIDENT MAGISTRATE/REGISTRAR

c) AFFIDAVIT

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

AFFIDAVIT

I,(**insert name of deponent**) Adult, male/female, Christian/Muslim and resident of do hereby swear/affirm and state as follows;-

1. That, I am(**insert title**) employed by(**insert name of employer**) stationed at..... (**insert name of working station**) assigned to handle this matter, thus conversant with the facts deposed hereunder.
2. That,.....(*Insert the facts in support of the order(s) sought*)
3. That, the Respondent successfully concealed the proceeds of crimes that is (**insert the tune of the benefit derived**).
4. That, the investigation failed to locate the actual proceeds namely(**insert the tune of the benefit derived**) derived by

the Respondent from the commission of a serious offence nor could it locate exactly the properties for which the benefit was converted into.

5. That, despite its failure to find the actual proceeds of crime, the investigation managed to trace and identify some of the Respondent's properties which are in his/her/their name and or exercise effective control over properties which may be used to satisfy the penalty order.

6. That, Respondent exercised effective control over the following properties:

.....(insert the property with its full description)

7. That, the acts of the Respondent requires pecuniary assessment be made against him/her/them and the properties mentioned in paragraph(s).....herein above be made available to satisfy the pecuniary order.

Dated at this.....day of20.....

.....
DEPONENT

VERIFICATION

I.....(insert name of deponent) do hereby verify that what is stated in paragraph(s).....(insert the number paragraphs) is true to the best of my knowledge and what is stated at paragraph (s).....(insert the number of paragraphs) is the information obtained from investigation file which I verily believe to be true.

Verified at this.....day of, 20....

.....

DEPONENT

Sworn/Affirmed at (insert place)
by the said.....who is.....
known to me/identified to me by



.....

DEPONENT

the latter being known to me personally
thisday of.....20.....

BEFORE ME

Name:

Signature:

Address:

Qualification: **COMMISSIONER FOR OATHS**

Date:.....

DRAWN AND FILLED BY:

Name.....

State Attorney/Prosecutor,

P. O. Box,

Place.....

ANNEX 5 - Forfeiture in case of a conviction

a) CHAMBER SUMMONS

(name of the Court)

Criminal Application No.of 20.....

**THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT**

Versus

**(Insert the name)
RESPONDENT**

CHAMBER SUMMONS

(Made under Sections 9 (1) (a) and or (b) and 15 (1) and
(2) of the Proceeds of Crime Act [CAP 256])

LET THE PARTY/ALL PARTIES concerned appear
before the
Honorable.....
Judge/Magistrate sitting in chamber on the
..... day of,
20..... in the forenoon or soon thereafter as the

Applicant may be heard on application for the following orders:

1. Forfeiture to the United Republic of Tanzania of the following tainted properties (name the property with its full description)
2. Any other order(s) as the Court deems fit and just to grant

This chamber summons has been taken at the instance of the Republic and it is supported by the affidavit of, (*name of State Attorney/Prosecutor*) which gives the grounds for the orders sought and such other arguments that will be raised at the hearing.

Dated at..... thisday of20.....

.....
STATE ATTORNEY/PROSECUTOR

Given under my hand and the SEAL OF THE COURT thisday of.....20.....

.....
RESIDENT MAGISTRATE/REGISTRAR

Presented for filing this.....day of..... 20.....

.....
REGISTRY OFFICER

Drawn and filled by:

Name.....

State Attorney/Prosecutor

P. O. Box,

Place.....

b) NOTICE OF FORFEITURE APPLICATION

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

NOTICE OF FORFEITURE APPLICATION

**(Made Under Section 10(1)(a) of the Proceeds of
Crime Act [CAP 256])**

TAKE NOTICE that the application has been made to the above named Honourable Court by the Director of Public Prosecutions in terms of Sections 9 (1) (a) and or (b) and 15 (1) and (2) of the Proceeds of Crime Act [CAP 256]. You may appear before Hon..... Magistrate/Judge in

chambers on day of 20.... in the forenoon or soon thereafter as the Applicant may be heard on application for the following orders:

1. Forfeiture to the United Republic of Tanzania of the following tainted properties (name the property with its full description)
2. Any other order(s) as the Court deems fit and just to grant

TAKE FURTHER NOTICE that the Applicant's address for service is

Director of Public Prosecutions,
National Prosecutions Service,
P. O. Box,
Place.....

Dated at, this day of 20

.....
RESIDENT MAGISTRATE/REGISTRAR

c) AFFIDAVIT

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

AFFIDAVIT

I,(**insert name of deponent**) Adult, male/female, Christian/Muslim and resident of do hereby swear/affirm and state as follows;-

1. That, I am(insert title) employed by(insert name of employer) stationed at..... (insert name of working station) assigned to handle this matter, thus conversant with the facts deposed hereunder.
2. That,.....(*Insert the facts in support of the order(s) sought*)
3. That, the properties mentioned in paragraph(s)..... are tainted properties

Dated at this.....day of20.....

.....

DEPONENT

VERIFICATION

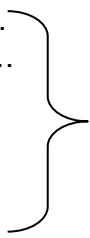
I.....(insert name of deponent) do hereby verify that what is stated in paragraph(s)..... (insert the number paragraphs) is true to the best of my knowledge and what is stated at paragraph (s)..... (insert the number of paragraphs) is the information obtained from investigation file which I verily believe to be true.

Verified at this.....day of, 20.....

.....

DEPONENT

Sworn/Affirmed at (insert place)
by the said.....who is.....
known to me/identified to me by



DEPONENT

.....

the latter being known to me personally
thisday of.....20.....

BEFORE ME

Name:

Signature:

Address:

Qualification: **COMMISSIONER FOR OATHS**

Date:.....

DRAWN AND FILLED BY:

Name.....

State Attorney/Prosecutor,

P. O. Box

Place.....

**ANNEX 6 – Forfeiture application in cases of
abscondment**

a) CHAMBER SUMMONS

(name of the Court)

Criminal Application No.of 20.....

**THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT**

Versus

(Insert the name)

RESPONDENT

CHAMBER SUMMONS

(Made under Sections 4(1) (c), 5(a) (b) (c) (ii), 9(1)
(a) and or (b) and 12 of the Proceeds of Crime Act,
[Cap. 256]

LET THE PARTY/ALL PARTIES concerned appear
before Honorable.....
Judge/Magistrate sitting in chambers on the
..... day of, 20.....
in the forenoon or soon thereafter as the Applicant

may be heard on application for the following orders:

1. Forfeiture to the United Republic of Tanzania of the following tainted properties (name the property with its full description)
2. Any other order(s) as the Court deems fit and just to grant

This chamber summons has been taken at the instance of the Republic and it is supported by the affidavit of, (*name of the Investigator*) which gives the grounds for the orders sought and such other arguments that will be raised at the hearing.

Dated at.....on thisday of20...

.....
STATE ATTORNEY/PROSECUTOR

Given under my hand and the SEAL OF THE COURT thisday of.....20.....

.....
RESIDENT MAGISTRATE/REGISTRAR

Presented for filing this.....day of.....of 20....

.....
REGISTRY OFFICER

Drawn and filled by:

Name.....

State Attorney/Prosecutor,

P. O. Box

Place.....

b) NOTICE OF FORFEITURE APPLICATION

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

NOTICE OF FORFEITURE APPLICATION

**(Made Under Section 10(1)(a) of the Proceeds of
Crime Act [CAP 256])**

TAKE NOTICE that the application has been made to the above-named Honourable Court by the Director of Public Prosecutions in terms of Sections 4(1) (c), 5(a) (b) (c) (ii), 9(1) (a) and or (b), and 12 of the Proceeds of Crime Act, [Cap. 256]. You may appear before Hon..... Magistrate/Judge in chambers on day of 20.... in

the forenoon or soon thereafter as the Applicant may be heard on application for the following orders:

1. Forfeiture to the United Republic of Tanzania of the following tainted properties (name the property with its full description)
2. Any other order(s) as the Court deems fit and just to grant

TAKE FURTHER NOTICE that the Applicant's address for service is

Director of Public Prosecutions,
National Prosecutions Service,
P. O. Box,
Place.....

Dated at this day of
..... 20

.....
RESIDENT MAGISTRATE/REGISTRAR

c) AFFIDAVIT

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

AFFIDAVIT

I,(**insert name of deponent**) Adult, male/female, Christian/Muslim and resident of do hereby swear/affirm and state as follows;-

1. That, I am (insert title) employed by(insert name of employer) stationed at..... (insert name of working station) assigned to investigate this matter, thus conversant with the facts deposed hereunder.
2. That,.....(*Insert the facts in support of the order(s) sought*)
3. That, the properties mentioned in paragraph(s)..... are tainted properties

Dated at..... this.....day of20.....

.....

DEPONENT

VERIFICATION

I.....(insert name of deponent) do hereby verify that what is stated in paragraph(s)..... (insert the number of paragraphs) is true to the best of my knowledge and what is stated at paragraph (s)..... (insert the number of paragraphs) is the information obtained from the investigation file, which I verily believe to be true.

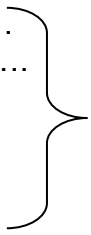
Verified at this.....day of
....., 20.....

.....

DEPONENT

Sworn/Affirmed at (insert place)
by the said.....who is.....
known to me/identified to me by
DEPONENT

.....
the latter being known to me personally
thisday of.....20.....



BEFORE ME

Name:

Signature:

Address:

Qualification: **COMMISSIONER FOR OATHS**

Date:.....

DRAWN AND FILLED BY:

Name.....

State Attorney/Prosecutor,

P. O. Box,

Place.....

ANNEX 7 – Forfeiture in cases of death

a) CHAMBER SUMMONS

(name of the Court)

Criminal Application No.of 20.....

**THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT**

Versus

(Insert the name)

RESPONDENT

CHAMBER SUMMONS

(Made under Sections 4(1) (c), 5 (c) (i), 9 (1) (a) and
or (b), 15 (1) & (2) (a) and 16 (1) of the Proceeds of
Crime Act [CAP 256])

LET THE PARTY/ALL PARTIES concerned appear
before Honorable.....

Judge/Magistrate sitting in chamber on the day of, 20..... in the forenoon or soon thereafter as the Applicant may be heard on application for the following orders:

1. Forfeiture to the United Republic of Tanzania of the following tainted properties (name the property with its full description)
2. Any other order(s) as the Court deems fit and just to grant

This chamber summons has been taken at the instance of the Republic and it is supported by the affidavit of, (*name of the Investigator*) which gives the grounds for the orders sought and such other arguments that will be raised at the hearing.

Dated at.....on thisday of20.....

.....
STATE ATTORNEY/PROSECUTOR

Given under my hand and the SEAL OF THE COURT thisday of.....20.....

.....
RESIDENT MAGISTRATE/REGISTRAR

Presented for filing this.....day
of.....of 20.....

.....
REGISTRY OFFICER

Drawn and filled by:

Name.....

State Attorney/Prosecutor,

P. O. Box,

Place.....

b) NOTICE OF FORFEITURE APPLICATION

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

NOTICE OF FORFEITURE APPLICATION

*(Made Under Section 10(1)(a) of the Proceeds of
Crime Act [CAP 256])*

TAKE NOTICE that the application has been made to the above named Honourable Court by the Director of Public Prosecutions in terms of Sections

4(1) (c), 5 (c) (i), 9 (1) (a) and or (b), 15 (1) & (2) (a) and 15 (1) of the Proceeds of Crime Act CAP 256. You may appear before Hon..... Magistrate/Judge in chambers on day of 20.... in the forenoon or soon thereafter as the Applicant may be heard on application for the following orders:

1. Forfeiture to the United Republic of Tanzania of the following tainted properties (name the property with its full description)
2. Any other order(s) as the Court deems fit and just to grant

TAKE FURTHER NOTICE that the Applicant's address for service is

Director of Public Prosecutions,
National Prosecutions Service,
P. O. Box,
Place.....

Dated at, this day of
..... 20

.....
RESIDENT MAGISTRATE/REGISTRAR

c) AFFIDAVIT

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

AFFIDAVIT

I,(**insert name of deponent**) Adult, male/female, Christian/Muslim and resident of do hereby swear/affirm and state as follows;-

1. That, I am (insert title) employed by(insert name of employer) stationed at..... (insert name of working station) assigned to investigate this matter, thus conversant with the facts deposed hereunder.
2. That,.....(*Insert the facts in support of the order(s) sought*)
3. That, the properties mentioned in paragraph(s)..... are tainted properties

Dated at....., this.....day of
.....20.....

.....
DEPONENT

VERIFICATION

I.....(insert name of deponent) do hereby verify that what is stated in paragraph(s)..... (insert the number of paragraphs) is true to the best of my knowledge and what is stated at paragraph (s)..... (insert the number of paragraphs) is the information obtained from investigation file which I verily believe to be true.

Verified at this.....day of, 20.....

.....
DEPONENT

Sworn/Affirmed at (insert place)
by the said.....who is.....
known to me/identified to me by
DEPONENT

.....
the latter being known to me personally
thisday of.....20.....



BEFORE ME

Name:

Signature:

Address:

Qualification: **COMMISSIONER FOR OATHS**

Date:.....

DRAWN AND FILLED BY:

Name.....

State Attorney/Prosecutor,

P. O. Box,

Place.....

ANNEX 8 – Confiscation in cases when an Accused cannot be brought to Court

a) CHAMBER SUMMONS

(name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

RESPONDENT

CHAMBER SUMMONS

(Made under Sections 33 (1) (a) and 6 of the Proceeds of Crime Act [CAP 256])

LET THE PARTY/ALL PARTIES concerned appear before the Honorable..... Judge/Magistrate sitting in chamber on the day of, 20..... in the forenoon or soon thereafter as the Applicant may be heard on application for the following orders:

1. Forfeiture to the United Republic of Tanzania of the following tainted properties (name the property with its full description)
2. Any other order(s) as the Court deems fit and just to grant

This chamber summons has been taken at the instance of the Republic and it is supported by the affidavit of, (*name of the investigator*) which gives the grounds for the orders sought and such other arguments that will be raised at the hearing.

Dated at..... thisday of20.....

.....
STATE ATTORNEY/PROSECUTOR

Given under my hand and the SEAL OF THE COURT thisday of.....20.....

.....
RESIDENT MAGISTRATE/REGISTRAR

Presented for filing this.....day of..... 20...

.....
REGISTRY OFFICER

Drawn and filled by:

Name.....

State Attorney/Prosecutor

P. O. Box,

Place.....

b) NOTICE OF FORFEITURE APPLICATION

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

NOTICE OF FORFEITURE APPLICATION

**(Made Under Section 10(1)(a) of the Proceeds of
Crime Act [CAP 256])**

TAKE NOTICE that the application has been made to the above-named Honourable Court by the Director of Public Prosecutions in terms of Sections 33 (1) (a) and 6 of the Proceeds of Crime Act [CAP 256]. You may appear before Hon..... Judge in chambers on day of 20.... in the forenoon or soon thereafter as the Applicant may be heard on application for the following orders:

1. Forfeiture to the United Republic of Tanzania of the following tainted properties (name the property with its full description)
2. Any other order(s) as the Court deems fit and just to grant

TAKE FURTHER NOTICE that the Applicant's address for service is

Director of Public Prosecutions,
National Prosecutions Service,
P. O. Box,
Place.....

Dated at, this day of
..... 20

.....
RESIDENT MAGISTRATE/REGISTRAR

c) AFFIDAVIT

(Name of the Court)

Criminal Application No.of 20.....

THE DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT

Versus

(Insert the name)

.....RESPONDENT

AFFIDAVIT

I,**(insert name of deponent)** Adult, male/female, Christian/Muslim and resident of do hereby swear/affirm and state as follows;-

1. That, I am**(insert title)** employed by**(insert name of employer)** stationed at..... **(insert name of working station)** assigned to handle this matter, thus conversant with the facts deposed hereunder.
2. That,.....*(Insert the facts in support of the order(s) sought*
3. That, the properties mentioned in paragraph(s)..... are tainted properties

Dated at this.....day of20.....

.....

DEPONENT

VERIFICATION

I.....(insert name of deponent) do hereby verify that what is stated in paragraph(s)..... (insert the number paragraphs) is true to the best of my knowledge and what is stated at paragraph (s)..... (insert the number of paragraphs) is the information obtained from investigation file which I verily believe to be true.

Verified at this.....day of, 20.....

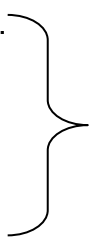
.....

DEPONENT

Sworn/Affirmed at (insert place)
by the said.....who is

.....
known to me/identified to me by
DEPONENT

.....
the latter being known to me personally
thisday of.....20.....



BEFORE ME

Name:

Signature:

Address:

Qualification: **COMMISSIONER FOR OATHS**

Date:.....

DRAWN AND FILLED BY:

Name.....

State Attorney/Prosecutor,

P. O. Box,

Place.....

ANNEX 9- Types of Assets and their Management

SN	TYPE OF ASSET	MANAGEMENT
1	Cash	<ul style="list-style-type: none"> • Obtain Court order • within seven (7) days deposit the money into the Special Interim Management Account and put in the file the certificate of seizure, deposit slip and any other relevant document
	<p>Financial Instruments</p> <ul style="list-style-type: none"> • Bank accounts • Shares/Bonds • Money orders 	<ul style="list-style-type: none"> • Freeze Bank account/Shares/Bonds within 14 days • Seize any document from that Bank or Financial institution relevant to investigation • Liaise with RPO/DPO for extension of time

		where necessary
2	Other Properties <ul style="list-style-type: none"> • Jewelry • Precious metals (minerals) • Artwork 	<ul style="list-style-type: none"> • Within 14 days submit to the BOT for safe custody
	<ul style="list-style-type: none"> • Machinery • Generators • Forest produce • Tools • Furniture • Electronics 	<ul style="list-style-type: none"> • Inspect the property upon seizure • Provide its value • Ensure safe storage • Maintain the property
3	Real Property <ul style="list-style-type: none"> • Dwellings • Multiple unit Residential Buildings • Commercial Buildings • Vacant land 	<ul style="list-style-type: none"> • Obtain relevant documents establishing legality and ownership • Secure the restraining order • Leave the property under the custody of the owner with specific instructions
4	Livestock <ul style="list-style-type: none"> • Cattles • Sheep 	<ul style="list-style-type: none"> • Suggest pre-confiscation sale • Ensure that the

	<ul style="list-style-type: none"> • Goats • Other animals 	<p>proceeds of the sale are kept in the special interim management account</p>
5	<p>Vehicles</p> <ul style="list-style-type: none"> • Motorcycles • Custom/exotic • Vehicles • Recreational vehicles • Aircraft and Helicopters • Vessels 	<ul style="list-style-type: none"> • Obtain relevant documents establishing legality and ownership • Suggest pre-confiscation sale • Ensure that the proceeds of the sale are kept in the special interim management account
6	<p>Ongoing concern</p> <ul style="list-style-type: none"> • Hotels • Hospitals • Schools 	<ul style="list-style-type: none"> • Place under trusteeship or leave the management to the owner with specific instructions

ANNEX 10 - Asset Management Register

SN	TYPE OF ASSET	IDENTIFICATION/ REGISTRATION NUMBER	OWNER SHIP	LOCATION	VALUE	CONDITION	REMARKS

ANNEX 11 - Handling over Certificate between the Person managing the asset and the owner/victim

THE NATIONAL PROSECUTIONS SERVICE

ASSET HANDLING OVER CERTIFICATE

I,.....**HERE BY CERTIFY** that I have on this.....Day of.....20..... handed over to.....th e following property (ies) under my charge which were subject matter of Restraining Order in Criminal/Economic Case/Application number.....of 20.... in the(name of the Court)

1.....(name the property with its full description)

Handling over Officer:

Name.....Title.....

Signature.....Date.....

Witnessed by:

Name.....Title.....

Signature.....Date.....

I,.....**HEREBY CERTIFY** that I have on this Day

of.....20.....taken over
from.....the
above names asset(s).

Receiving officer/owner:

Name.....Title.....

Signature..... Date.....

Witnessed by:

Name.....Title.....

Signature.....Date.....

ANNEX 12 - Handling over Certificate between the DPP and PST

**THE NATIONAL PROSECUTIONS SERVICE
ASSET HANDLING OVER CERTIFICATE**

I,.....
HEREBY CERTIFY that I have on this.....Day
of.....20.....handed over to.....the
following property (ies) under my charge which
were subject matter of Confiscation Order in
Criminal/Economic Case/Application number.....of
20.... in the(name of the Court)

1.....(name the
property with its full description)

Note: Where the properties to be handled over are
multiple, the list may be in appendix.

Handling over Officer:

Name.....Title.....

Signature.....Date.....

Witnessed by:

Name.....Title.....

Signature.....Date.....

I.....HEREBY
CERTIFY that I have on this Day
of.....20.....taken over
from.....all
assets Valued at (insert the
value). I have compared physical stocks against the
Order details and found to be correct.

Receiving officer:

Name.....Title.....

Signature..... Date.....

Witnessed by:

Name.....Title.....

Signature.....Date.....

ANNEX 13-Pre- Confiscation stage checklist

PRE-SEIZURE PLAN (Assessment Before Freezing, Seizure, or Restraint).

1. Asset Identification & Verification

- Confirm the ownership and location of the asset
- Verify asset existence (physical inspection or documentation)
- Check for encumbrances (loans, liens, co-ownership)
- Assess whether the asset is proceeds or instrumentality of crime
- Assess vulnerability of the asset

2. Risk & Feasibility Assessment

- Assess risk of asset dissipation or concealment
- Evaluate safety risks (weapons, hazardous materials, hostile occupants)
- Determine any legal or operational barriers to seizure
- Assess urgency (immediate seizure vs. planned operation)

3. Operational Planning

- Prepare seizure plan (team composition, roles, timing)
- Coordinate with law enforcement, prosecutors, and technical experts
- Ensure all court orders or legal documents are

secured

- Plan access to premises (entry, transport, security)

4. Resources & Logistics

- Identify needed equipment (towing, storage, packaging, valuation tools)
- Arrange for specialized personnel (valuers, locksmiths, IT experts, animal handlers, etc.)
- Pre-arrange storage or safe custody facilities
- Prepare documentation tools (cameras, inventory forms, labels)

PLAN FOR MANAGEMENT OF SEIZED PROPERTY

1. Immediate Post-Seizure Management

- Secure the asset in approved storage or custody
- Prepare initial inventory and photographic record
- Assign a responsible officer or custodian
- Ensure chain-of-custody documentation.

2. Administrative & Legal Management

- Notify relevant government bodies (DPP, RPOs, DPOs, asset managers)
- Maintain records for court submission and audit
- Track deadlines for hearings, appeals, and reporting
- Prepare interim status reports for supervisory

authorities

3. Documentation & Monitoring

- Maintain updated inventory logs
- Record all movements, inspections, and changes in condition
- Conduct periodic reviews and condition assessments
- Prepare monthly or quarterly performance reports

ENSURING SAFETY & MAINTAINING VALUE UNTIL FINAL DETERMINATION

1. Physical Security Measures

- Ensure assets are kept in secure, authorized facilities
- Install protective systems (locks, alarms, security guards)
- Protect perishable or sensitive goods from harm (temperature control, packaging)
- Conduct routine inspections to detect damage or tampering

2. Legal & Administrative Safeguards

- Ensure compliance with court requirements and legal orders
- Maintain proper chain of custody to prevent legal challenges
- Notify owners where required by law to avoid

misuse claims

- Ensure transparency to prevent corruption or asset misappropriation

3. Monitoring & Reporting

- Conduct periodic inspections to track any changes
- Prepare inspection reports for each review
- Document any incident of damage, loss, or emergency
- Ensure timely reporting to RPO or DPO investigative agencies and courts