



**The United Republic of Tanzania**  
**National Prosecutions Service**  
**(NPS)**

**STANDARD OPERATING PROCEDURES  
FOR INVESTIGATION AND  
PROSECUTION OF CORRUPTION  
AND RELATED OFFENCES**

**May, 2022**



## FOREWORD

Corruption has devastating effects on the security and economic development in the society. It undermines good governance, causes misappropriation of resources, thus leading to poverty and suffering in the society. This, calls for a corresponding effective investigation and prosecution of all individuals who engage in corruption and corrupt practices.

However, investigation and prosecution of corruption offences is not an easy task. Individuals who commit these offences, particularly grand corruption, develop sophisticated means to cover their traces and conceal the illicit proceeds. Therefore, to effectively investigate and successfully prosecute corruption offences, investigators and prosecutors are required to perform their tasks in a professional and coordinated manner. They are also required to work together, during critical stages of investigation and prosecution, to ensure quality evidence is collected during investigation and presented in court during the trial.

It is against this backdrop, the SOPs have been developed to provide guidance to investigators and prosecutors on the applicable laws, procedures and principles to assist them in the process of investigation and prosecution. In order to have a standardized approach in handling corruption cases, the SOPs have designed basic tools such as element worksheet, investigation and prosecution plans which will ensure

there is consistent approach in the investigation and prosecution of corruption cases across the country.

It is my hope that the SOPs will contribute to efficient and effective investigation and prosecution of corruption cases that will result to desired outcomes. I therefore, urge all investigators and prosecutors handling corruption and related offences across the country to use the SOPs effectively.

Sylvester Anthony Mwakitalu  
**DIRECTOR OF PUBLIC PROSECUTIONS**

## ACKNOWLEDGEMENTS

The SOPs for investigators and prosecutors dealing with corruption and related offences have been developed by the DPP pursuant to Sections 18(1) and 24(2) of the National Prosecutions Service Act, No. 27 of 2008 for purposes of improving the quality of investigation and prosecution of corruption and related offences.

On behalf of the National Prosecutions Services, may I convey our sincere gratitude to the United Kingdom's Foreign, Common Wealth and Development Office (FCDO) and the EU for their partnership and support in developing this important document under the BSAAT Programme.

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Joseph Sebastian Pande  
**DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS**

## ABBREVIATIONS

|        |   |   |
|--------|---|---|
| ARINSA | - | Asset Recovery Inter Agency Network of Southern Africa  |
| BRELA  | - | Business Registration and Licensing Authority           |
| BSAAT  | - | Building Sustainable Anti-Corruption Action in Tanzania |
| CAP    | - | Chapter   |
| CPA    | - | Criminal Procedure Act                                  |
| DG     | - | Director General  |
| DPP    | - | Director of Public Prosecutions                         |
| DOI    | - | Director of Investigation                               |
| DPO    | - | District Prosecutions Officer                           |
| EOCCA  | - | Economic and Organised Crime Control Act                |
| EU     | - | The European Union                                      |
| FIU    | - | The Financial Intelligence Unit                         |
| GN     | - | Government Notice                                       |
| LIO    | - | Lead Investigating Officer                              |
| MLA    | - | Mutual Legal Assistance                                 |
| NPS    | - | the National Prosecutions Service                       |
| PCCA   | - | The Prevention and Combating of Corruption Act          |
| PCCB   | - | Prevention and Combating of Corruption Bureau           |
| PGI    | - | Prosecution General Instructions                        |
| PGO    | - | Police General Orders                                   |
| POCA   | - | the Proceeds of Crimes Act                              |
| RBC    | - | Regional Bureau Chief                                   |

- RPO - Regional Prosecutions Officer
- SADC - Southern African Development Community
- SOPs - Standard Operating Procedures
- TRA - Tanzania Revenue Authority
- UNCAC - The United Nations Convention Against Corruption



## DEFINITIONS

- Interpol** The International Criminal Police Organization, commonly known as Interpol, is an international organization that facilitates worldwide police cooperation and crime control
- Investigating Officer** includes an officer assigned to investigate a case, District Bureau Chief and Regional Bureau Chief.
- Organised crime** any offence or non-criminal culpable conduct which is committed in combination or from whose nature, a presumption may be raised that its commission is evidence of the existence of a criminal racket in respect of acts connected with, related to or capable of producing the offence in question.
- Politically Exposed Person** has the meaning ascribed to it under the *Anti-Money Laundering Act (Amendment) Act, No. 2 of 2022*.

**Substantial Amount** means the amount of Tanzanian Shillings 50,000,000 and above, or its equivalent in any other currency.

**Supervisor** means the District Prosecutions Officer or Regional Prosecutions Officer.

# TABLE OF CONTENTS

|  |     |
|--|-----|
| FOREWORD .....   | i   |
| ACKNOWLEDGEMENTS .....   | iii |
| ABBREVIATIONS .....  | v   |
| DEFINITIONS .....  | vii |
| PART I.....  | 1   |
| 1.0 INTRODUCTION.....  | 1   |
| 1.1 Essence and Objectives.....  | 1   |
| 1.2 Parts of the Document.....   | 2   |
| PART II.....   | 3   |
| INVESTIGATION .....  | 3   |
| 2.0 Crime Reporting and Commencement of<br>Investigation .....                       | 3   |
| 2.1 Conference Meetings between Prosecutors,<br>Investigators and Stakeholders ..... | 4   |
| 2.2 Pre-Arrest Conference .....  | 4   |
| 2.3 Post Arrest Conference .....   | 5   |
| 2.4 Conferences in Emergency Situations .....  | 6   |
| 2.5 Search and Seizure of Exhibits .....   | 6   |
| 2.6 Search .....   | 6   |
| 2.7 Seizure .....  | 7   |
| 3.0 RECORDING OF STATEMENT .....   | 10  |
| 3.1 Witness Statement .....  | 10  |
| 3.2 Interviewing Suspect and Recording of Cautioned<br>Statement .....               | 12  |
| 3.3 Exhibit Management.....  | 17  |
| 3.4 Expert Evidence .....  | 18  |

|        |  |    |
|--------|--|----|
| 3.5    | Witness Protection .....   | 18 |
| 4.0    | Asset Tracing .....  | 20 |
| 5.0    | Mutual Legal Assistance and Extradition Request.....                     | 21 |
| 6.0    | Submission of Investigation File to NPS .....                            | 22 |
|        | PART III.....  | 25 |
|        | PROSECUTION  |    |
| 7.0    | Legal Opinion and Charging Decision on Criminal Investigation File.....  | 25 |
| 7.1    | Legal Opinion and Charging Decision on Financial Investigation File..... | 27 |
| 8.0    | Consent of the DPP and Certificate Conferring Jurisdiction.....          | 28 |
| 9.0    | Institution of Case in Court.....  | 29 |
| 10.0   | Bail .....   | 29 |
| 11.0   | Pre – Trial Conference .....   | 31 |
| 12.0   | Conduct of Trial.....  | 32 |
| 12.1   | Preliminary Hearing.....   | 32 |
| 12.2   | Hearing of the Case .....  | 33 |
| 13.0   | Plea Bargaining.....   | 37 |
| 14.0   | Post-Conviction or Acquittal Stage .....                                 | 37 |
| 14.1   | Sentencing Hearing.....  | 37 |
| 14.2   | Ancillary Orders and Applications .....                                  | 38 |
| 14.3   | Execution of Court Orders.....   | 39 |
| 14.4   | Conviction or Acquittal of Foreigners .....                              | 40 |
| 14.5   | APPEALS .....  | 41 |
| 14.5.1 | Appeals by the DPP.....  | 41 |
| 14.5.2 | Appeals against the DPP .....  | 43 |
| 14.5.3 | Judgment on Appeal .....   | 43 |

|                                       |    |
|---------------------------------------|----|
| 14.5.4 General Provisions.....        | 44 |
| PART IV .....                         | 45 |
| 15.0 LEGAL STATUS OF SOPs .....       | 45 |
| 15.1 Non Compliance with SOPs .....   | 45 |
| ANNEX .....                           | 35 |
| ELEMENT WORKSHEET .....               | 46 |
| INVESTIGATION DIARY TEMPLATE .....    | 78 |
| HANDING OVER NOTE .....               | 79 |
| PROSECUTION PLAN TEMPLATE .....       | 88 |
| BAIL SUBMISSION TEMPLATE .....        | 88 |
| ANNOTATED WITNESS LIST TEMPLATE ..... | 93 |
| ANNOTATED EXHIBIT LIST TEMPLATE ..... | 94 |
| TENDERED EXHIBIT(S) TEMPLATE.....     | 95 |
| SENTENCING SUBMISSION TEMPLATE .....  | 96 |

# PART I

## 1.0 INTRODUCTION

### 1.1 Essence and Objectives

Corruption and organized crimes continually pose a great threat to the peace, security and economic sustainability across the globe. As such, various measures, both at international and national levels, have been put in place to fight the problem. The measures include enactment of specific anti-corruption laws, establishment of anti-corruption agencies, public education on corruption, investigation and prosecutions of corruption perpetrators.

Tanzania, like many other countries, is not immune from corruption. It has therefore criminalized several acts of corruption and dedicated much efforts in investigation and prosecution of all levels of corruption and related offences as one of the ways to curb and combat corruption.

More often than not, corruption offences are perpetrated by high public officials, big business people and intellectuals and are committed in a sophisticated *modus operandi*. As such, conducting of investigation and prosecution of these offences is complex. Aware of the challenges in the investigation and prosecution of corruption offences and related offences, the DPP, being mandated to coordinate and supervise criminal investigation as well as prosecution of criminal cases, has, in terms of the provisions of sections 18 and 24 of the National Prosecutions Service Act, No. 27 of 2008, issued these SOPs.

The SOPs are intended to introduce and maintain a consistent and standardized approach of investigation and prosecution of corruption and related offences across the country. They are instructive guidance to investigators and prosecutors of what they should do, at minimum, while dealing with corruption and related offences. The intention is to reduce, if not to eradicate, errors which are invariably committed during investigation and prosecution. Therefore, the SOPs are not merely bold statements but rather, working tools for use by the investigators and prosecutors.

It is worth noting that the SOPs are administrative internal instructions, made to supplement rather than replace the existing rules. Further, they do not affect the rules of law or practice relating to investigation, trial and admissibility of evidence.

## **1.2 Parts of the Document**

This Document comprises of four main parts: Part I, II, III, and IV. Part I is a general introduction and objectives of the SOPs, whereas part II covers crime reporting and investigation process. Part III provides guidance on the prosecution of corruption and related offences, and Part IV addresses the legal status of the SOPs and the consequences of non-compliance.

## PART II

### INVESTIGATION

#### 2.0 Crime Reporting and Commencement of Investigation

As soon as information on the commission of the offence is received, and after forming an opinion that there is reasonable ground to suspect that a crime has been committed, the investigating officer shall:

- a. Prepare a first crime report based on the information received in line with the PGO-Police Report Book – **PF 162**; and
- b. Immediately develop an initial investigation plan by using an investigation plan template in **NPS ANNEXURE IV**, which shall include actions such as intended arrest, search, seizure, interview of witnesses, witness protection measures, interrogation of suspects and any other action required to ensure effective investigation of corruption and related offences.

Where the information discloses offence which involves;

- i. Substantial amount of proceeds or instrumentality of crime;
- ii. Suspicion of money laundering;
- iii. An element of organized crime or involvement of criminal syndicate;
- iv. Transnational element(s) and requires transnational cooperation;
- v. A Politically Exposed Person;



- vi. A suspect who is a foreign national or of unknown nationality; or
- vii. foreign diplomatic missions, international bodies and, or multi national bodies.

The LIO, shall, for the purposes of early case consultation and coordination, immediately inform the RPO or DPO of the area in which the offence is allegedly committed or the DPP, as the case may be.

Upon receipt of the information from LIO, the RPO, DPO of the area where the offence is allegedly committed, or DPP, as the case may be, shall take necessary actions, including appointing a prosecutor to coordinate the investigation.

## **2.1 Conference Meetings between Prosecutors, Investigators and Stakeholders**

Regular meetings shall be held between investigators, prosecutors, and relevant stakeholders to the case. The meetings shall be led and chaired by the prosecutor and the record of such meetings shall be kept in the investigation file. These meetings shall review the case progress, discuss evidentiary aspects of the case and other relevant issues. The meetings shall include pre-arrest, post- arrest, pre-trial, post-trial and any other meeting aimed at deliberating on any emerging urgent issue relating to the progress of the case.

## **2.2 Pre-Arrest Conference**

Before effecting arrest, the investigation team shall hold a meeting to discuss and agree on the modality of

effecting arrest. The investigation team shall have regard to the following issues:

- a. Deliberation on what should be done first between arrest and search;
- b. Availability of interpreter during arrest, search and interrogation;
- c. Availability of recording officer to interview and record the suspect's statement within four hours as the law requires; and
- d. Taking of photographs and fingerprints of the suspect.

Where the prosecutor is involved in the investigation team, he shall have a duty to provide legal guidance on the intended arrest and any other legal issue relating to the investigation.

### **2.3 Post Arrest Conference**

Post arrest conferences shall be held regularly to discuss various matters relating to the case, which may include:

- i. Investigative techniques;
- ii. Interviewing and recording of witness and suspects' statements;
- iii. Admissibility and preservation of evidence including evidential and legal consequences of proposed investigative techniques;
- iv. Rules and procedure for gathering of evidence;
- v. Steps taken or needed to be taken in relation to tracing and freezing of assets; and
- vi. Matters related to international cooperation.

## 2.4 Conferences in Emergency Situations

Whenever there is a serious emerging issue in respect of the case which need immediate attention, an emergency conference shall be arranged through face to face meeting, tele-conferencing, video conferencing and other forms of secured communication.

## 2.5 Search and Seizure of Exhibits

Search and Seizure in Corruption and related offences are governed by various laws depending on the nature of offences. The investigating officer must indicate in the seizure certificate the relevant provisions of the law under which the search and seizure are done (see the cases of the **Republic vs Charles Abel Gasirabo @Charles Gazilabo & 3 others**, Criminal Appeal No. 358 of 2019, CAT at Dar es Salaam (unreported) and **Azimio Machibya Matonge vs the Republic**, Criminal Appeal No. 35 of 2016, CAT at Tabora (unreported)).

## 2.6 Search

- a. Where the investigating officer reasonably suspects that there is anything connected to the commission of the offence in any building, vessel, or premises, he shall, as soon as possible, conduct search in the relevant place.
- b. Prior to conducting search referred to in paragraph (a) above, it shall be mandatory for the investigating officer to ensure the following:
  - i. Search is conducted between hours of sunrise and sunset.
  - ii. A written authorisation is obtained from the relevant Authority under section 38 (1) of

- CPA and, or Section 12 (1) and (2) of PCCA.
- iii. Where the search is to be conducted after sunset, a search warrant is obtained from court as provided for in section 40 of the CPA
  - iv. In case of emergency situations, search may be conducted without court order under section 42(1) (b) (i) (ii) of the CPA.
  - v. The person searched and or owner of the premises shall search the searching officer, accompanying officers and witnesses before they conduct search;
  - vi. There is at least one independent witness before searching;
  - vii. Whenever it is necessary to cause a woman to be searched, the search is done by another woman with strict regard to decency;
  - viii. Where the circumstances so allow, the exercise of search and seizure is video recorded;
  - ix. After search has been conducted upon court order, the investigating officer immediately report the search results to the magistrate.

## **2.7 Seizure**

Where the investigating Officer, upon search, finds anything connected to the commission of the offence, he shall seize the said item. Upon seizure, the investigating officer shall do the following:

- a. Prepare a seizure certificate;

- b. Indicate on the seizure certificate the specific provisions of the law under which search and seizure have been conducted;
- c. List all items seized with their unique features, such as the phone's IMEI number, serial number of currencies in the seizure certificate;
- d. Ensure that the seizure certificate is signed by the person searched, the owner or occupier of the premises, investigating officer, and independent witnesses;
- e. In cases where the suspect refuses to sign on the certificate of seizure, he certifies on record under his hand that the suspect has refused to sign;
- f. Ensure that seizure certificate is signed immediately after search at the premises where search and seizure was conducted as it was decided in the case of **Chacha Jeremiah Murimi and 3 Others vs Republic**, Criminal Appeal No. 551 of 2015, **CAT at Mwanza (unreported)**;
- g. In cases where seizure is effected by a person or officer other than the investigating officer, such person shall immediately handover the seized property to the investigating officer who shall then prepare handing over note in the format provided in **NPS ANNEXURE III**, which shall be signed by that person, the investigating officer and a witness, if any;

- h. Where the item seized is valuable, causes valuation to be conducted so as to ascertain its value;
- i. Where search is conducted in the presence of more than one investigating officers, ensure that only the searching officer signs as the officer conducting the search and the rest sign as witnesses of the search;
- j. Upon signing the seizure certificate, issues a copy of the seizure certificate and receipt to the searched person as it was decided in the case of **Andrea Augustino @ Msigara and another Vs Republic**, Criminal Appeal No. 365 of 2018, CAT at Tanga (unreported) to evidence the search and receipt of the seized property;
- k. After duly signing the seizure certificate, record the statement of every person who signed on the seizure certificate;
- l. Take photographs and, where possible, video record the whole exercise of search and seizure;
- m. where the item is immovable and or cannot be easily moved, provide necessary protection to maintain its status quo;
- n. In cases where the property was seized and the period of six months from the date of seizure is about to lapse, before instituting criminal proceedings in court, move the DG of the PCCB to apply for an extension of time to the DPP as required by the provisions of section 9(1), (2), (3), (4) and (5) of the PCCA; and

- o. Where the DG intends to apply for extension of time as per paragraph (n) hereinabove, ensure that is done thirty (30) days before expiration of six months period from the date of seizure.

### **3.0 RECORDING OF STATEMENT**

#### **3.1 Witness Statement**

The recording officer, while conducting an interview and recording a person's statement as a witness, shall adhere to the provisions of sections 10(3) of the CPA and 34B of the Evidence Act, [CAP 6 R.E 2019] and after being acquainted with the facts of the case, he shall ensure the following:

- a. The witness makes a declaration at the beginning of the statement to the effect that whatever he tells is true to the best of his knowledge, and informs him the consequences of giving false information;
- b. The whole witness statement is recorded in Kiswahili or English language;
- c. The prescribed statement sheet is in the language used in recording the statement;
- d. Presence of an interpreter before starting recording the statement, where the witness speaks other language different from Kiswahili or English;
- e. The statement of interpreter is recorded immediately after he has interpreted the interview;
- f. The witness statement contains the necessary particulars to wit; his full name, residential and, or work address,

- identification card number, telephone numbers and email address for ease of subsequent contact;
- g. The statement contains date, time, place where it was recorded;
  - h. The witness statement is confined to the matters relevant to the case;
  - i. The statement is recorded in the witness's words, *i.e.*, in the first person singular, and contains facts which are within his personal knowledge, and if not, the witness should specify the source of information;
  - j. Relevant exhibits relating to the witness are available at the time of interviewing and recording the witness statement. The said exhibits must be reflected in the statement of the witness;
  - k. The statement of a witness is recorded chronologically, *i.e.*, by following sequence of events;
  - l. In the case of an expert witness, he records academic qualifications, trainings attended, experience and skills of the expert in the area of specialisation and, where applicable, the GN through which he was appointed or membership number;
  - m. After recording the statement, the witness reads his statement or statement is read to the witness, before signing. Where the witness has anything to add or change in the statement, he allows him to do so before signing. In case the witness makes any alterations in the statement, both, he (the



- investigating officer) and the witness sign on the specific part where alterations are made;
- n. After the witness has read the statement or statement has been read over to him, the witness makes certification to the effect that he has read the statement or the statement has been read to him and it is correctly recorded;
  - o. The witness appends his signature or thumbprint immediately after the certification clause;
  - p. Where the statement of the witness was recorded in the presence of any other person such as a guardian, relative or parent, record a statement of that person;
  - q. Where the statement is made by a person who cannot read, the statement is read to him before signing, and he declares that it was so read over to him; and
  - r. There is a certification below the witness statement in the following words ***“I....., hereby declare that I have faithfully and accurately recorded the statement of the above-named.....”*** in compliance of section 10(3) (c) of the CPA.

### **3.2 Interviewing Suspect and Recording of Cautioned Statement**

In interviewing the suspect and recording the cautioned statement, the investigating officer shall ensure the following;

- a. The whole cautioned statement is recorded in Kiswahili or English language;

- b. The prescribed cautioned statement sheet is in the language used in recording the cautioned statement;
- c. Introduces himself by name and rank before he asks the suspect any question or asks the suspect to do anything for the purpose connected with the investigation of an offence;
- d. The interview is reduced in writing and video recorded, where possible;
- e. The statement contains the necessary particulars of the suspect, including his full name, detailed residential and, or work address, telephone number and age of a suspect. It shall also contain the date, time and place where it is recorded;
- f. The statement indicates the time when the interview commenced and completed, and any breaks during the interview;
- g. Where the statement is reduced into writing, the same comply with the requirements of either section 57 or section 58 of CPA;
- h. The statement is recorded within four (4) hours commencing at the time when the suspect is placed under restraint by arresting officer;
- i. in case there is delay in recording caution statement within the prescribed time, the investigating officer record, in his statement, the cause of such delay;
- j. Where it is impracticable to interview and record the suspect's statement within the basic period of four hours, seeks an extension

- of another period of four hours from the officer in charge of the investigation;
- k. In case the period of eight hours is not enough, the officer in charge of the investigation, either before expiration of the original period of four hours or the extended period, applies to the court to seek further extension in accordance with section 51(1)(a)(b) of CPA;
  - l. The interpreter is present before the start of the recording, where the recording officer cannot speak the language understood by the suspect;
  - m. The suspect is cautioned in writing concerning the offence of which he is under restraint in a language he understands as required by the provisions of section 53 of CPA;
  - n. The suspect is informed of his rights, that he is not obliged to answer any question asked other than a question seeking particulars of his name and address;
  - o. The suspect is given the right to communicate with a lawyer, relative or friend of his choice;
  - p. Where the suspect is a minor, the parent, guardian, relative or social welfare officer is present;
  - q. The presence of any other person than the one requested by the suspect is not allowed;
  - r. While interviewing and recording the cautioned statement, the statement is confined to the matters relevant to the case;

- s. The suspect is asked relevant questions about offences committed to obtain accurate and reliable information;
- t. In case the statement is recorded in the presence of a lawyer, friend, parent, guardian or relative, they sign at every page of the statement and record their statements as witnesses immediately thereafter;
- u. In case the statement is recorded by the aid of an interpreter, his statement is recorded as a witness;
- v. At the end of the statement, a form of certificate is written, and he shows the statement to the suspect and allows him to read the statement and make any alteration or correction to it, if he so desired;
- w. The suspect signs the certificate set out at the end of the statement, and where the record extends over more than one page, he initials each page that is not signed by him in accordance with section 57(3) of CPA;
- x. Where the suspect is unable to read the record of the interview or refuses to read, or appears to the recording officer not to read the record when it is shown to him, he-
  - i. reads him the record or causes it to be read to him;
  - ii. asks him whether he would like to correct or add anything to the record;
  - iii. permit him to correct, alter or add to the record or make any alteration, corrections or additions to the record if he so desired;

- iv. ask him to sign the certificate at the end of the record;
  - v. and certify under his hand at the end of the record, what he has done in pursuance of section 57(4) of CPA;
- y. Where the suspect refuses, fails or appears to fail to comply with the requirement of paragraph (v) above, certifies on the record under his hand what he has done and in respect of what matters the suspect refused, failed or appeared to fail to comply with;
- z. Certifies at the end of the record that he recorded the statement faithfully and accurately as per section 57(4)(e) or 58 (6) (b) of CPA;
- aa. Where the statement is video recorded, compliance of the provisions of section 57(5) of CPA. In particular, ensures that;
  - i. before recording, the suspect is informed of the use of the video recording device;
  - ii. immediately after the interview, the suspect or his legal representative is given a copy of that video recording; and
  - iii. upon completion of the video recording, he fills the certificate, gives it to the suspect to sign and supplies him with a copy of that certificate.
- bb. Where the suspect requests to be taken to the justice of the peace, he is taken as soon as he requests.

### 3.3 Exhibit Management

A carefully planned, prepared and documented exhibit management is essential requirement for successful investigation and prosecution. The investigating officer shall ensure that the exhibits are properly collected and handled by observing, among other things, the following:

- a. The exhibits are legally obtained;
- b. Proper care to safely preserve the exhibits in order to maintain their original and natural quality;
- c. The exhibits are appropriately labeled or marked, and in case the mark or label fades away, is damaged, or the label is lost, ensure they are immediately replaced;
- d. The movable exhibits are carefully and well packed or bagged to prevent mixing up during transportation from the crime scene to the storage place;
- e. The exhibits are recorded into the exhibit register and makes regular checkups of the exhibits;
- f. Consultation is made with the prosecutor for appropriate disposal measures where the exhibit is subject to natural decay, wear and tear, depreciation or where maintenance may cause substantial expenses;
- g. Collection of the specimen samples and disputed documents and submitting them to the competent authority for examination or analysis;
- h. Recording of the statement of every person involved in the handling of exhibit from the

time the exhibit is collected to the time it is taken to court; and

- i. Recording of every movement of the exhibits from the time it is collected, kept in custody and in case it moves from one person to another or agency.

### **3.4 Expert Evidence**

Where investigation involves expert evidence such as, handwriting, cyber, digital evidence, the investigating officer shall obtain an expert opinion from a competent person and ensure the following:

- a. Where the exhibit or sample requires forensic examination, submits it to the relevant authority as early as possible for examination or analysis;
- b. Makes follow-up and collects the report of examination or analysis from the relevant authority; and
- c. The statement of the expert who examined the exhibit or sample is recorded.

### **3.5 Witness Protection**

Where a crime is reported, the investigating officer shall take all necessary measures to identify any potential witness in danger due to his knowledge of the commission or involvement in the crime. Upon identification of such person, the investigating officer shall report to his supervisor and take necessary measures to protect the person, including:

- a. identifying the nature and degree of the danger facing or likely to face the person;

- b. where possible, place the person in a convenient and a more secure place;
- c. where he records the statement of a witness exposed to danger, keep the statement separately from the investigation file and indicate that the statement is kept separately from the investigation file due to its sensitivity. The investigating officer while submitting investigation file to the NPS, he shall submit the witness statement separately in a more secure and confidential manner;
- d. inform the RPO or DPO of the area in which the offence is allegedly committed on the nature and degree of the danger facing or likely to face the person and provide information enabling further steps to be taken to protect that person;
- e. the witness exposed to danger and, or threats are recorded in the witness protection register and reported to the supervisor; or
- f. warning against any person or authority causing or likely to cause a threat to the witness;

In addition to the instructions above, the investigating officer and prosecutor shall take into account the provisions of Whistleblower and Witness Protection Act No. 20 of 2015, section 52(3) of the PCCA, section 188 of CPA and Section 53 of the EOCCA and any other relevant Laws.



## 4.0 Asset Tracing

- a. The investigating officer shall, at the outset of criminal investigation, commence a parallel financial investigation to identify and trace proceeds and instrumentalities of crimes.
- b. Investigating Officer conducting a financial investigation shall, as soon as practicable, after the start of the investigation, contact the relevant authorities such as the FIU, TRA, Ministry of Lands, Housing and Urban Development, BRELA), Banks and Financial Institutions and Service Providers where information on the assets can be found, depending on the nature of the information sought.
- c. The investigating officer shall consult the prosecutor to obtain legal guidance and, or court order required in respect of tracing, preserving and forfeiture of assets.
- d. The investigating officer shall ensure that there are two separate files in every investigation involving assets, namely, criminal investigation file and financial investigation file. Both files shall be submitted to the DPO, RPO of the area where the offence is allegedly committed, or the DPP soon after the commencement of the investigation or at any other time when need arises.
- e. In the financial investigation file, the investigating officer shall include a brief summary of evidence of assets indicating

among other things, the assets involved, their location, status and value, where possible.

Where it is not practicable to separate criminal investigation file from financial investigation file, the investigating officer shall prepare two separate summaries of evidence namely; criminal investigation summary and assets investigation summary and compile the two summaries in the criminal investigation file.

## **5.0 Mutual Legal Assistance and Extradition Request**

- a. Upon receipt of information on the commission of a crime, the investigating officer shall endeavour to identify cross-border or transnational elements involved in the case he pursues as soon as practicable.
- b. In a case where there is evidence for the commission of the crime overseas, or where the proceeds were moved and hidden overseas or transferred from overseas, an investigating officer shall, in consultation with the prosecutor and MLA Unit within NPS, seek and obtain intelligence and information through formal and informal networks such as Interpol, ARINSA and FIU or counter-part organisations, which can assist in making a formal request.
- c. Once sufficient information has been obtained, the investigating officer, in consultation with the prosecutor, must prepare and send to the DPP (Central Authority) a

- request for initiation of formal MLA process indicating amongst other things, the factual basis for the request and the assistance requested.
- d. In cases where a suspect is or has fled to a foreign jurisdiction, the investigating officer shall seek and gather intelligence information on the identity and location of the fugitive offender through formal and informal networks such as Interpol, ARINSA or counter-part law enforcement agencies.
  - e. Once sufficient information regarding the location and identity of the fugitive offender has been obtained, the investigating officer, in consultation with the prosecutor, shall prepare and send to the DPP a request for initiation of formal extradition process.
  - f. Before the extradition request is submitted to the DPP, the investigator must work with the prosecutor to ensure that an application is made in court to endorse the charge and issue an arrest warrant.
  - g. The charge, warrant of arrest, an Affidavit of the investigating officer and the statement of the complainant must be attached to the requests submitted to the DPP.
  - h. All documents relating to extradition or MLA request must form part of the investigation file.

## **6.0 Submission of Investigation File to NPS**

- a. Upon completion of investigation, the investigating officer shall immediately submit the investigation file to the respective office of

- NPS in line with the provision of G.N. 496H which was published on 30 June 2021.
- b. No investigation file shall be submitted to the NPS for charging decision before completion of the investigation except in the circumstances where:
    - i. there is a risk of a suspect fleeing or interfering with investigation;
    - ii. There is a risk or threat to the victim and, or witnesses who require witness protection measures; or
    - iii. The supervisor calls for an investigation file for necessary action after receiving complaints or directives from the DPP.
  - c. The investigating officer shall ensure that the investigation file submitted to NPS contains, as the minimum, the following;
    - i. First crime report;
    - ii. Investigation diary;
    - iii. Witness statements;
    - iv. Statement of the suspect or video recorded, where applicable;
    - v. Investigation plan;
    - vi. Annotated witnesses list;
    - vii. Annotated list of exhibits;
    - viii. Proposed charge (offences);
    - ix. Correspondences, summons to produce exhibit, where applicable;
    - x. Chain of custody document;
    - xi. Evidence obtained through MLA, where applicable;
    - xii. Asset inventory, where applicable;

- xiii. Seizure certificate and, or acknowledgement receipt, where applicable;
  - xiv. Expert report, where applicable; and
  - xv. Summary of evidence, criminal and, or asset investigation summary.
- d. While submitting the investigation file, the investigating officer may request a round table discussion, and the supervisor, upon perusal of the file, shall convene the round table discussion.

## PART III

# PROSECUTION

### 7.0 Legal Opinion and Charging Decision on Criminal Investigation File

- a. Upon receipt of the criminal investigation file, the assigned prosecutor shall review the file and prepare a legal opinion within fourteen (14) days or within the time specified by the DPO, RPO or DPP, as the case may be.
- b. In preparing the legal opinion for offences triable by the High Court, the prosecutor shall adhere to the guidance provided in the **PGI 3.9 (1) and (2)**.
- c. The prosecutor shall take into consideration the provision of section 4(3) of the CPA as amended by the Written Laws (Miscellaneous Amendment) Act, No. 1 of 2022.
- d. Where the supervisor approves the recommendation for charging, the prosecutor shall draft the charge using the model charges set out in the **NPS ANNEXURE I**
- e. The prosecutor shall ensure that the charge drafted:
  - i. Reflect the seriousness and extent of evidence supporting the offence, including the organized nature of the crime;

- ii. Give the court adequate power to sentence and impose appropriate post-conviction or ancillary orders such as the recovery of assets and compensation to the victim; and
  - iii. Enable the case to be presented clearly and simply.
- f. Any major subsequent alterations or discontinuance of an approved charge shall be done upon approval of the Supervisor.
- g. Where the prosecutor does not recommend charging due to insufficiency of evidence, he shall, upon approval of the supervisor, order closure of the investigation file.
- h. The prosecutor shall direct further investigation where there is a possibility of obtaining additional evidence which may strengthen the case.
- i. Where the prosecutor directs further investigation, he shall state the reasons for further investigation and indicate the areas to be worked upon.
- j. Where a case is complex or involves a complicated issue, the prosecutor shall not direct for closure of the investigation file or further investigation under paragraph (g) and (h) before convening a round table discussion with the investigating officer.
- k. The directives given by the prosecutor under paragraph (i) above shall be complied by the investigating officer within thirty (30) days from the date of returning the file to the investigating officer.

- l. In cases where the directives for further investigation cannot be complied within the time provided in paragraph (k) above, the investigating officer may apply for extension of time to DPO or RPO .
- m. The DPO or RPO shall ensure the charging decision is made and communicated to the investigating officer within thirty (30) days except for complicated cases whose decision shall be made and communicated not more than sixty (60) days from the date of receiving the criminal investigation file.
- n. Where the investigating officer is not satisfied with the decision of the DPO or RPO to charge, close the investigation file or directives for further investigation, he may;
  - i. Return the file to the DPO or RPO for review explaining the basis for review;
  - ii. Forward the file to the RPO for review, in cases where the decision was made by the DPO; or
  - iii. Forward the file to the DPP for review in cases where the decision was made by the RPO.

Organizational communication procedures must be followed while forwarding investigation files for review under this paragraph.

## **7.1 Legal Opinion and Charging Decision on Financial Investigation File**

- a. Upon receipt of the financial investigation file, the assigned prosecutor shall review the file



- and prepare a legal opinion and propose relevant applications such as prohibitory notices, restraint and freezing orders, within fourteen (14) days or as soon as practicable or within the time specified in the assignment.
- b. The procedures provided above for legal opinion and charging decision on criminal Investigation file shall apply *mutatis mutandis* under this part.

## 8.0 Consent of the DPP and Certificate Conferring Jurisdiction

- a. Before corruption and related offences charges are instituted in Court, the Prosecutor shall ensure:
- i. The Consent of DPP has been obtained in terms of the provisions of section 57 of PCCA and section 26 of EOCA for offences which require consent of the DPP in person;
  - ii. For offences which require consent of the DPO or RPO in terms of Government Notice No. 496H published on 30 June 2021, Consent is obtained from respective DPO or RPO;
  - iii. Where the case is to be instituted in the subordinate court, Certificate Conferring Jurisdiction is obtained in terms of the provisions of section 12(3) of the EOCCA.
  - iv. Where the charge includes economic and non-economic offences, Certificate Conferring Jurisdiction contains the

- correct relevant provision of the law namely, section 12(4) of EOCCA.
- b. The Consent and Certificate of the DPP shall be in the format prescribed in the **PGI Schedules**.
  - c. Where the economic case is provisionally instituted in the subordinate court, the prosecutor shall ensure that Consent and Certificate are filed in court before plea taking and preliminary hearing. The prosecutor shall cause the Consent and Certificate issued to be recorded in the proceedings of the case.
  - d. Where the prosecutor discovers anomalies in the Consent and, or Certificate Conferring Jurisdiction, he shall notify his immediate supervisor to rectify the said anomalies.

## 9.0 Institution of Case in Court

- a. In instituting cases before the Court, the prosecutor shall be guided by provisions of the EOCCA and its Regulations.
- b. In determining the competent Court to try the offences under PCCA and related offences, the prosecutor shall take into consideration of the provisions of section 3(3) of the EOCCA.

## 10.0 Bail

- a. Before supporting or objecting an application for bail, the prosecutor shall satisfy himself whether the offence facing the accused isailable.
- b. If the offence is non-bailable or where the DPP has filed a certificate of objecting bail,

- the prosecutor shall object the application for bail.
- c. If the offence is bailable and the prosecutor intends to object bail, he shall ensure the following:
    - i. Where a bail application is made orally, he shall object the grant of bail to the accused guided by the Bail Submissions Template provided in **NPS ANNEXURE VI**.
    - ii. Where a formal written application for bail is made, he shall seek leave of the court to file counter affidavit.
    - iii. After he has prepared and filed counter affidavit, he shall make submissions objecting the grant of bail to the accused using the guidance in the Bail Submissions Template set out in **NPS ANNEXURE VI**.
  - d. Where bail is granted, and the prosecutor is dissatisfied, he shall immediately file a notice of the intention to appeal.
  - e. Where bail is not objected, the prosecutor shall move the court to set mandatory bail conditions as provided for under Section 36(5) of EOCCA and other discretionary conditions under Section 36(6) of the EOCCA.
  - f. Where bail is granted, the prosecutor shall cause:
    - i. verification of the identity of sureties and documents; and
    - ii. verification of documents evidencing titles of properties.

- g. The Prosecutor shall notify his immediate supervisor of any conditions attached to the bail.

### **11.0 Pre – Trial Conference**

Prior to the commencement of the trial, and at least fourteen (14) days before the scheduled trial date, the prosecutor shall arrange for a pre-trial conference with the investigating officer and representatives from key agencies working on a case to discuss pertinent issues relating to the trial.

The Conference shall address, among other things, the following issues:

- a. Readiness of relevant stakeholders for trial;
- b. Evidential needs and admissibility of exhibits;
- c. Availability of witnesses;
- d. Mechanisms of ensuring that witnesses are properly handled and secured;
- e. Ancillary orders including restraint and forfeiture applications;
- f. Physical verification of exhibits, both physical and documentary, that are intended to be produced in court; or
- g. Logistical issues including, witness payment, transportation of exhibits to court, arrangement for interpreter, where necessary, and moving the court to the place where the exhibit is kept.

The minutes of pre-trial conference shall be documented and kept in the case file and prosecutor shall notify the supervisor what transpired during the conference.

## 12.0 Conduct of Trial

### 12.1 Preliminary Hearing

- a. After the accused has pleaded not guilty and before the commencement of the hearing of the case, the prosecutor shall ensure:
  - i. The facts are prepared for a preliminary hearing in compliance with section 35(1) of EOCCA, section 192 of the CPA and PGI;
  - ii. The prepared facts disclose the ingredients of offences and reflect sufficiently the nature of the case based on the evidence available;
  - iii. Copy of the written facts is approved by the supervisor and filed in the office brief;
  - iv. While reading the facts, the accused himself and not his advocate responds to the facts;
  - v. Where the case is complex or involves multiple transactions, he files written facts to court and proceeds to read the facts to the accused;
  - vi. The accused and his advocate, if any, the prosecutor and magistrate or judge, sign the memorandum of agreed facts;
  - vii. Where the case is tried by the Corruption and Economic Crimes Division of the High Court, the defence provides the names and addresses of their intended witnesses and a list of exhibits to be relied upon in accordance with Rule 15(2) of the

- Economic and Organized Crime Control (Corruption and Economic Crimes Division Procedure) Rules 2016;
- viii. Where exhibits are tendered during the preliminary hearing, the content is read over to the accused and reflected in the court record (See Section 192(4) of CPA, Rules (1988) G.N. 192 of 1988), the case of **Ebrahimu Lutambi vs The Republic**, Criminal Appeal No. 30 of 1996 CAT Mbeya (unreported) and **Joseph Munene and Another vs Republic**, Criminal Appeal No. 109 of 2002, CAT Arusha (Unreported); and
  - ix. Where the prosecutor intends to use typed facts in court, a copy of the typed facts is kept in the case file.

## 12.2 Hearing of the Case

- a. It shall be mandatory for every prosecutor conducting prosecutions of corruption and related offences to develop and use a prosecution plan which shall substantially conform to the Prosecution Plan Template set out in the **NPS ANNEXURE V**. The prosecution plan shall be prepared before the commencement of the hearing of the case and kept in the case file and office brief. The prosecution plan shall be reviewed and updated as the case proceeds.
- b. Before commencement of the hearing, the prosecutor shall convene a meeting with the

investigating officer and any other stakeholders working on the case to brainstorm and strategise on the prosecution of the case. The meeting may be held at the office of the NPS or any other convenient place.

- c. The prosecutor shall physically inspect all exhibits (physical and documentary) intended to be used in court before hearing to satisfy himself that they are in admissible manner. Where the exhibit to be tendered is secondary, the prosecutor shall indicate in the annotated exhibit list to that effect and take appropriate legal measures for admission of such exhibits, including filing a notice to produce secondary evidence. Where the prosecutor discovers any anomaly in the exhibits, he shall take appropriate measures to remedy the anomaly and in case the anomaly is beyond the prosecutor's control, he shall report to his supervisor for necessary directives.
- d. The prosecutor shall arrange and meet the relevant witnesses at least three (3) days before the hearing date for trial preparations. The Prosecutor shall prepare relevant questions that will be used during trial preparations and leading the witness in court. The questions prepared shall be kept in the case file. Where the meeting with a witness involves financial costs, the prosecutor shall seek approval from his supervisor before summoning the witness.

- e. The prosecutor shall maintain and uphold witness protection measures. Depending on the circumstances of the case, the prosecutor shall make applications to court for necessary witness protection orders such as concealment of identity of witnesses, trial in camera or video conferencing.
- f. The prosecutor shall notify the investigating officer and or exhibit keeper/manager to make necessary arrangement to ensure the availability of exhibits in court whenever they are needed.
- g. The prosecutor shall develop and use the Tendered Exhibits Template as prescribed in the **NPS ANNEXURE IX**. The tendered exhibit list shall be kept in the case file and office brief.
- h. Where possible, the prosecutor shall ensure that he makes a copy of every documentary exhibit tendered in court for follow up. The said copy shall be kept in the office brief.
- i. Where the exhibit needs to be disposed, the prosecutor shall ensure that he obtains necessary orders from the court and the said order is executed.
- j. The prosecutor shall conduct a regular review of the charge as the trial of the case proceeds. The prosecutor shall consider the evidence as adduced in court vis-à-vis the charges filed. Where the prosecutor believes that an amendment to the charge is called for, he shall notify the supervisor and obtain



- written approval before amending the charge.
- k. Where the defects in a charge require immediate amendments, the prosecutor shall seek oral approval from his supervisor. After the prosecutor has obtained oral approval from his supervisor, he shall amend the charge accordingly and later on reduce into writing the reasons for the amendment.
  - l. At all times of the trial of the case, the prosecutor shall be obliged to adhere to the prosecution plan, annotated witness list and annotated exhibit list as prescribed in **NPS ANNEXURE VII** and **NPS ANNEXURE VIII**. In case of any deviation from the prosecution plan, the prosecutor shall inform and obtain approval from the supervisor.
  - m. The prosecutor should anticipate and prepare himself for any possible objections and defences that may be raised. The possible objections and defences must be indicated in the prosecution plan. The prosecutor shall indicate possible provisions of law and decided cases to be used to counter the anticipated objections and defences.
  - n. It shall be mandatory for every prosecutor to move the court to make final submissions upon closure of the defence case. Whether the Court orders oral or written submissions, the prosecutor shall prepare written

- submission which shall be kept in the case file and office brief .
- o. It shall be mandatory for the prosecutor to take record of court proceedings. The said records shall be kept in both, the case file and office brief.
  - p. The prosecutor shall brief his supervisor on case progress immediately after court session.
  - q. Where the case is concluded, the prosecutor shall submit to the supervisor a final report of the case within seven (7) days from the day of concluding the case. The Prosecutor shall briefly state the decision of the court and his opinion on that decision.

### **13.0 Plea Bargaining**

Whenever there is a request to negotiate a plea agreement under Section 194A of CPA, the prosecutor shall ensure that the Plea Bargaining Guidelines issued by the DPP are complied with accordingly.

### **14.0 Post-Conviction or Acquittal Stage**

#### **14.1 Sentencing Hearing**

- a. After the trial and upon conviction of the accused, where the circumstances require reception of evidence for purposes of determining the appropriate sentence, the prosecutor shall move the court for a sentencing hearing in order to avail the court with sufficient evidence necessary for proper determination of sentence in terms of sections 236 and 320 CPA.

- b. Where the court grants the prayer under paragraph (a) above, the prosecutor shall call witnesses to adduce evidence that will persuade the court to impose an appropriate sentence.
- c. Where sufficient evidence on the impact of the crime committed was adduced during sentencing hearing, the prosecutor shall pray to the court to make a sentencing submission.
- d. At the closure of the sentencing hearing, the prosecutor shall make a concise sentencing submission using the sentencing submission template provided in **NPS ANNEXURE X** to persuade the Court to make an appropriate sentence. The sentencing submission template shall be kept in the office brief.

## 14.2 Ancillary Orders and Applications

- a. Upon conclusion of the case, the prosecutor shall move the court to make necessary ancillary orders, including:
  - i. Forfeiture of instrumentalities of crime;
  - ii. Disposal of exhibits such as returning them to the rightful owner, sale or destruction;
  - iii. Compensation to the victim; and
  - iv. Taking the necessary particulars and permanent address of the accused in terms of section 312(4) of the CPA for subsequent services where the accused is acquitted.

- b. In moving the court to grant the orders sought under paragraph (a) above, the prosecutor shall cite and refer the court to the relevant enabling provisions of law and decided cases, if any.
- c. Where the court grants the orders sought, the prosecutor shall, without undue delay, report the orders granted to his supervisor.
- d. Whenever it is intended to make separate application proceedings for forfeiture under POCA, the prosecutor shall make an application to restrain the properties pending the making and hearing of the intended forfeiture application.

### **14.3 Execution of Court Orders.**

- a. The prosecutor shall take all necessary steps to obtain certified court orders.
- b. Upon obtaining the court order, the prosecutor shall, within seven (7) days of obtaining the order, put the order in the office brief and submit the file to his supervisor along with his brief opinion on the course of action to be taken.
- c. The supervisor, after receiving the file, court order and opinion of the prosecutor, shall take measures necessary for the execution of the orders, including assigning the prosecutor, investigating officer or another competent officer who shall ensure proper execution of the court orders.
- d. The assigned prosecutor, investigating officer or competent officer shall take the

- necessary steps to ensure the due execution of court orders and report the execution status to the supervisor.
- e. The prosecutor shall collect and put in a file all documents evidencing execution of court orders such as exchequer receipts, warrant of commitment, handing over documents and final appeal orders, if any, within two (2) days from the date of issuance.
  - f. The assigned prosecutor, investigating officer or competent officer shall present a written report to the supervisor on the action he has taken in ensuring due execution of court orders within seven (7) days from the date of the order.
  - g. Whenever a forfeiture order is issued, the prosecutor shall notify in writing the authority under whose management the property is placed along with directives on how the asset should be handled pending finalisation of the legal process.

#### **14.4 Conviction or Acquittal of Foreigners**

In addition to the guidance provided under the PGI, the prosecutor shall, when a trial of a case involving a foreigner is concluded, report to the supervisor, who shall immediately take the following measures:

- a. where a foreigner is convicted or acquitted, inform the Immigration Authorities for appropriate immigration measures;
- b. where a foreigner is sentenced to imprisonment, supply the Immigration

- Authorities with a copy of the warrant of commitment; or
- c. work closely with the Immigration Authorities to ensure the convict has discharged all other outstanding obligations connected to court orders in respect of the case under which he was convicted, before leaving the Country

## **14.5 APPEALS**

### **14.5.1 Appeals by the DPP**

- a. As soon as the judgment or ruling is delivered and where the Republic is dissatisfied with the judgement or ruling of the court, the prosecutor shall bring the matter to the attention of the supervisor on the same day and proceed to file a notice of intention to appeal or notice of appeal within the prescribed time limit
- b. Upon obtaining certified copies of judgment and proceedings, the prosecutor shall, within seven (7) days, submit to the supervisor a detailed opinion on the merits of the intended appeal.
- c. The trial prosecutor shall make sure that his contacts are kept in the office brief so that the appeal prosecutor can easily contact him where necessary.
- d. Upon conclusion of the case and where the DPP does not intend to appeal, the prosecutor shall return the investigation file to the respective Investigation Agency.
- e. Where an appeal is preferred, the prosecutor shall cause the original case file to be kept in

- safe custody till the finalisation of the appeal process.
- f. In addition to the guidance provided under PGI 8, the Prosecutor shall, upon receipt of the court records, ensure the following:
    - i. No appeal is filed in court without the written approval of the supervisor;
    - ii. The petition or memorandum of appeal accompanied by certified copies of judgment, proceedings, and other necessary documents are filed in Court within the prescribed time limit;
    - iii. He reads the record of the appeal thoroughly and prepares written heads of argument and relevant authorities to support the appeal. The heads of argument and authorities shall be kept in the appeal file; or
    - iv. For appeals in the Court of Appeal of Tanzania, a list of relevant authorities is prepared and filed in court not less than three (3) clear working days prior to the hearing date.
  - g. Where bail pending appeal application is made, the appeal prosecutor shall prepare himself and argue on the bail pending appeal application guided by the Bail Submission Template in **NPS ANNEXURE VI**.
  - h. The appeal prosecutor may liaise with the trial prosecutor to ensure proper preparation of heads of argument and written submissions and, where appropriate, **schedule** pre-hearing discussion or presentation with the supervisor.

- i. Where the appeal is adjourned, the appeal prosecutor shall, without delay, report to his supervisor on adjournment and reasons thereof.

#### **14.5.2 Appeals against the DPP**

- a. Where the appeal is against the DPP, no prosecutor shall support the appeal without submitting his legal opinion and obtaining approval from the supervisor.
- b. The directives regarding the appeals by the DPP shall apply *mutatis mutandis* in the appeals against the DPP.
- c. The assigned appeal prosecutor shall, where circumstances allow, deal with the appeal until **its** finalization.

#### **14.5.3 Judgment on Appeal**

- a. Upon receipt of the judgment on appeal, the appeal prosecutor shall, without delay, communicate the outcome of the appeal to the supervisor.
- b. Where the prosecutor is dissatisfied with the outcome of the appeal, he shall submit his written opinion to the supervisor on whether the second appeal is meritorious.
- c. Appeal Prosecutor shall communicate the appellate court's decision to the Investigative Agency together with a copy of the judgment and court order.
- d. The directives regarding the appeal by the DPP shall apply *mutatis mutandis* in pursuing the second appeal to the Court of Appeal.



#### **14.5.4 General Provisions**

Where the Court acquits a person believed to be a member of an organised group, the prosecutor shall immediately communicate the acquittal or release to the supervisor for record-keeping and monitoring.

## PART IV

### **15.0 LEGAL STATUS OF SOPs**

These SOPs have been issued under Sections 18 and 24 of the NPSA. They are internal administrative directives therefore mandatory to all investigators and prosecutors dealing with corruption and related offences.

### **15.1 Non Compliance with SOPs**

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

## NPS ANNEXTURE I

## ELEMENT WORKSHEET

| SERIAL NUMBER   | ELEMENTS TO PROVE   | CLARIFICATION  | POTENTIAL SOURCES OF EVIDENCE | ASSOCIATED OFFENCES                                  |
|---|---|--|-------------------------------|--|
| <b>MALICIOUS EXERCISE OF POWERS, CONTRARY TO SECTION 13 OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, NO. 11 OF 2007</b>   |   |  |                               |  |
| 1.  | An officer of the Prevention and Combating of Corruption Bureau | An <u>officer must be an employee of the</u> Prevention and Combating of Corruption <u>Bureau.</u> |                               | i. Corrupt transactions<br><br>ii. Abuse of position |
| 2.  | Malice or without lawful cause                                  |  |                               |  |
| 3.  | Prosecution/ arrest/seizure/ exercise of powers                 | Without authorization and, or for personal interests   |                               |  |
| <b>MODEL CHARGE</b>   |   |  |                               |  |
| <b>STATEMENT OF OFFENCE</b>   |   |  |                               |  |
| <p><b>MALICIOUS EXERCISE OF POWERS</b>, Contrary to section 13(1) and (2) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [CAP.200 R.E. 2019]</p> |   |  |                               |  |
| <b>PARTICULARS OF OFFENCE</b>   |   |  |                               |  |
| <p><b>A.B.</b>, on (date) at (place) within .... District in ..... Region being an officer of the Prevention and Combating of Corruption Bureau as Senior Investigator, maliciously arrested C.D. pretending that C.D. was accused of receiving bribe, a fact he knew was not true.</p>                           |   |  |                               |  |
| <b>MODEL CHARGE</b>   |   |  |                               |  |
| <b>STATEMENT OF OFFENCE</b>   |   |  |                               |  |
| <p><b>EXERCISE OF POWERS WITHOUT LAWFUL CAUSE</b>, Contrary to section 13 (1) and (2) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019]</p>  |   |  |                               |  |
| <b>PARTICULARS OF OFFENCE</b>   |   |  |                               |  |
| <p><b>MAJUTO NI MJUKUU</b>, on diverse dates between 20<sup>th</sup> January and 30<sup>th</sup> June 2021, at Kisasa area within Dodoma District in Dodoma Region, being an officer of the</p>   |   |  |                               |  |

Prevention and Combating of Corruption Bureau, without lawful cause, exercised powers vested in the Bureau by initiating investigation against **MAJUNGU HAYALIPI**, while knowing that there were no basis for such investigation.

**CORRUPT TRANSACTIONS**, Contrary to Section 15(1) (a) and (2) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019]

|    |   |   |  |   |
|----|---|---|--|---|
| 1. | Any person  | An agent <u>defined under section 3 of PCCA.</u>  |  | <u>i.</u> Conspiracy<br><br><u>ii.</u> Obtaining an Undue Advantage |
| 2. | Corruptly   |   |  |   |
| 3. | Solicits/Accepts/Obtains/attempts to obtain                                     |   |  |   |
| 4. | Any advantage as an inducement to/reward for/on account of                      | that advantage should be the one that induces him to do/ for bearing to do, anything in relation to his principal's affairs or business |  |   |
| 5. | To do/forbear to do anything in relation to his principal's affairs or business |   |  |   |

**MODEL CHARGE  
STATEMENT OF OFFENCE**

**CORRUPT TRANSACTIONS**, Contrary to section 15(1)(a) and (2) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019]

**PARTICULARS OF OFFENCE**

**A.B.** on (date) at (area) within the ..... District in ..... Region, being employed by Tanzania Revenue Authority as a Tax Assessor, corruptly solicited advantage namely, Tanzanian Shillings Five Hundred Thousand (TZS 500,000/=) from **C.D.**, as an inducement to forbear from including **C.D's** name in the list of tax defaulters, an act

|   |   |  |  |   |
|---|---|--|--|---|
| which was in relation to his principal's business/affairs.  |   |  |  |   |
| <b>CORRUPT TRANSACTIONS</b> , Contrary to section 15(1) (b) and (2) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019]  |   |  |  |   |
| 1.  | Corruptly   | Done with a wrongful intent and for purposes of obtaining an advantage   |  | i. Conspiracy<br>li. Occasioning loss to a specified authority. |
| 2.  | Gives/promises/offers   |  |  |   |
| 3.  | An Agent  | As defined under section 3 of PCCA.  |  |   |
| 4.  | Any advantage as an inducement to/reward for/on account of                      | The inducement or reward should be designed to obtain assistance from/influence the decision of a person in authority. |  |   |
| 5.  | To do/forbear to do anything in relation to his principal's affairs or business |  |  |   |
| <b>MODEL CHARGE<br/>STATEMENT OF OFFENCE</b>  |   |  |  |   |
| <b>CORRUPT TRANSACTION</b> , Contrary to section 15(1)(b) and (2) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019].  |   |  |  |   |
| <b>PARTICULARS OF OFFENCE</b>   |   |  |  |   |
| <b>C.D.</b> on (date) at (area) within the ..... District in ..... Region, corruptly offered an advantage namely, Tanzanian Shillings Five Hundred Thousand (TZS 500,000/=) to <b>A.B.</b> , who is an employee of Tanzania Revenue Authority as Tax Assessor, as an inducement to forbear from including <b>C.D's</b> name in the list of tax defaulters, an act which was in relation to the latter's ( <b>AB's</b> ) principal's business/affairs. |   |  |  |   |
| <b>CORRUPT TRANSACTIONS IN CONTRACTS</b> , Contrary to section 16 (1) (a) and (3) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [CAP.200 R.E. 2019]  |   |  |  |   |
| 1.  | Offer   |  |  |   |
| 2.  | An advantage  | an advantage   |  | i. Occasioning  |

|    |  |   |  |   |
|----|--|---|--|---|
|    |  | must be offered to a public official  |  | loss<br>ii. Abuse of Position<br>iii. Use of document to mislead the principal<br>iv. Forgery |
| 3. | Public official  | As defined under section 3 of the PCCA  |  |   |
| 4. | Inducement to/reward for/on account of                             | the inducement or reward should be designed to obtain public official's assistance/influence in the promotion/execution or procuring a contract |  |   |
| 5. | Assistance/using influence /having given assistance/used influence |   |  |   |
| 6. | Promotion/execution/procuring of                                   |   |  |   |
| 7. | Contract with a public body  |   |  |   |

**MODEL CHARGE  
STATEMENT OF OFFENCE**

**CORRUPT TRANSACTIONS IN CONTRACTS**, Contrary to section 16 (1) (a) and (3) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E 2019]

**PARTICULARS OF OFFENCE**

**SIJAFIKA BADO** on 20<sup>th</sup> day of June, 2021 at Msufini area within Morogoro District in Morogoro Region, offered a Motor vehicle, make Toyota VXR with Reg. No. T 240 DTS valued at Tanzanian Shilling Three Hundred and Fifty Million (TZS 350,000,000/=) to public official, one **MAJUNGU NI MTAJI** who was employed as Chief Accountant of Mkwawa University, as an inducement to **MAJUNGU NI MTAJI** to assist **SIJAFIKA BADO** to procure a contract for a tender to supply computers to Mkwawa University, which is a public body.

**MODEL CHARGE****STATEMENT OF OFFENCE**

**CORRUPT TRANSACTIONS IN CONTRACTS**, Contrary to section 16 (1) (b) and (3) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E 2019] .

**PARTICULARS OF OFFENCE**

**A.B.** on (date) at (area) within the ..... District in ..... Region, offered a Motor vehicle, make Toyota VXR with Reg. No. T 240 DTS valued at Tanzanian Shilling Three Hundred and Fifty Million (TZS 350,000,000/=) to a public official, one **C.D.** who was employed as Chief Accountant of Mkwawa University, as a reward for **C.D.** having given assistance to **A.B.** to procure a subcontract with G.F. Company for installation of computers at Mkwawa University which was done under contract between G.F. Company and Mkwawa University, which is a public body.

**CORRUPT TRANSACTIONS IN CONTRACTS:** Contrary to section 16 (2) and (3) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E 2019] .

|    |  |   |  |  |
|----|--|---|--|--|
| 1. | Public official  |   |  | i. Occasioning loss                                      |
| 2. | Solicits/accepts   |   |  |  |
| 3. | Advantage  | An advantage must be offered to a public official   |  | ii. Abuse of Position.                                   |
| 4. | Inducement to/reward for/on account of                                   | the inducement or reward should be designed to obtain a public official's assistance/influence in the promotion/execution or procuring contract |  | iii. Use of document to mislead principal<br>iv. Forgery |
| 5. | Assistance/using influence /having given assistance/used influence       |   |  |  |
| 6. | Promotion/ execution/procuring payment of the price/ consideration/other |   |  |  |

|  |  |   |  |  |
|--|--|---|--|--|
|  | moneys   |   |  |  |
| 7.   | contract/subcontract with a public body                  |   |  |  |
| <b>MODEL CHARGE</b><br><b>STATEMENT OF OFFENCE</b><br><b>CORRUPTION IN CONTRACTS</b> , Contrary to section 16(2) and (3) of the Prevention and Combating Corruption Act, [CAP. R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E. 2019].  |  |   |  |  |
| <b>PARTICULARS OF OFFENCE</b><br><b>A.B.</b> on (date) at (area) within the ..... District in ..... Region, being a public official employed as Chief Accountant at Mkwawa University, accepted a Motor vehicle, make Toyota VXR with Reg. No. T 240 DTS valued at Tanzanian Shilling Three Hundred and Fifty Million (TZS 350,000,000/=) from one <b>C.D.</b> as an inducement to assist <b>C.D.</b> in procuring the payment of the price of Tanzanian Shillings Three Billion (TZS 3,000,000,000 stipulated in a contract for supply of computers entered on 20 <sup>th</sup> June, 2019 between G.F. Company and Mkwawa University, which is a public body, before delivery of the said computers. |  |   |  |  |
| <b>CORRUPTION IN PROCUREMENT</b> , Contrary to Section 17(1)(a) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E 2019] .   |  |   |  |  |
| 1.   | Offer  |   |  | i. Occasioning loss<br>ii. Abuse of Position.<br>iii. Use of document intended to mislead the principal<br>iv. Forgery |
| 2.   | An advantage   |   |  |  |
| 3.   | Inducement for/reward for/otherwise                      | the inducement or reward should be designed to influence a person to Withdrawal of a tender / refraining from inviting a tender |  |  |
| 4.   | Withdrawal of a tender/refraining from inviting a tender |   |  |  |
| 5.   | Contract with a public/private body                      |   |  |  |
| <b>MODEL CHARGE</b><br><b>STATEMENT OF OFFENCE</b><br><b>CORRUPTION IN PROCUREMENT</b> , Contrary to section 17(1)(a) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019] .   |  |   |  |  |



**PARTICULARS OF OFFENCE**

**A.B.** on (date) at (place) within the ..... District in ..... Region, offered (advantage namely ....) to one **C.D., a Secretary of Mkwawa University Tender Board**, as an inducement to C.D. to refrain from inviting a tender No.....for a contract to supply computers to a Public body namely, Mkwawa University.

**MODEL CHARGE  
STATEMENT OF OFFENCE**

**CORRUPTION IN PROCUREMENT**, Contrary to section 17(1)(a) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019] .

**PARTICULARS OF OFFENCE**

**A.B.** on (date) at (place) within the ..... District in ..... Region, being a person interested in tender No....., for a contract to supply computers to a Private body namely, Masanyua Mining Company Ltd , offered (advantage namely ....) to one **C.D., the Managing Director of Mpitimbi Polytechnic Company** as a reward for withdrawal of the said tender.

**CORRUPTION IN PROCUREMENT**, Contrary to section 17(1)(b) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019] .

|    |  |   |  |  |
|----|--|---|--|--|
| 1. | Solicits/accepts   |   |  | i. Occasioning loss to a specified Authority<br><br>ii. Abuse of Position.<br><br>iii. Use of document intended to mislead the principal<br><br>iv. Forgery<br><br>v. Obtaining advantage without lawful consideration |
| 2. | Advantage  | an advantage must be offered to a public official   |  |  |
| 3. | Inducement for/reward for/otherwise on account of        | the inducement or reward should be designed to induce or influence a person to withdrawal of a tender/refraining from inviting a tender |  |  |
| 4. | Withdrawal of a tender/refraining from inviting a tender |   |  |  |
| 5. | for a contract with a public/private                     |   |  |  |

|   |  |   |  |   |
|---|--|---|--|---|
|   | body   |   |  |   |
| <b>MODEL CHARGE</b><br><b>STATEMENT OF OFFENCE</b><br><b>CORRUPTION IN PROCUREMENT</b> , Contrary to section 17(1)(b) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019] .                        |  |   |  |   |
| <b>PARTICULARS OF OFFENCE</b><br><b>A.B.</b> on (date) at (place) within the ..... District in ..... Region, <b>being a Secretary of Mkwawa University Tender Board</b> , accepted (an advantage namely ....) from one <b>C.D.</b> as an inducement for refraining from inviting tender No.....for a contract to supply computers to Mkwawa University, which is a Public body. |  |   |  |   |
| <b>CORRUPTION IN AUCTIONS</b> , Contrary to Section 18(1)(a) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019] .   |  |   |  |   |
| 1.  | Offer  |   |  | i. Conspiracy   |
| 2.  | An advantage   |   |  |   |
| 3.  | Inducement to/reward for/otherwise on account of           | the inducement or reward should be designed to induce or influence a person to refrain from bidding at an auction |  | ii. Forgery<br>iii. Occasioning loss to a specified authority<br>iv. Trading in influence |
| 4.  | refraining/having refrained from bidding                   |   |  | vi. Corrupt transactions  |
| 5.  | an auction conducted by/on behalf of a public/private body |   |  |   |
| <b>MODEL CHARGE</b><br><b>STATEMENT OF OFFENCE</b><br><b>CORRUPTION IN AUCTIONS</b> , Section 18(1)(a) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019]   |  |   |  |   |
| <b>PARTICULARS OF OFFENCE</b><br><b>A.B.</b> on (date) at (place) within the ..... District in ..... Region, offered (advantage namely ....) to one <b>C.D.</b> as an inducement to C.D. to refrain from bidding at an auction  |  |   |  |   |

|   |  |   |  |  |
|---|--|---|--|--|
| No.....conducted by American Embassy on (date) at (place)   |  |   |  |  |
| <b>CORRUPTION IN AUCTIONS</b> , Contrary to Section 18(1)(b) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019] |  |   |  |  |
| 1.  | Solicits/accepts   |   |  | i. conspiracy  |
| 2.  | Advantage  |   |  |  |
| 3.  | Inducement for/reward for/otherwise                        | the inducement or reward should be designed to induce or influence a person to withdrawal of a tender/refraining from inviting a tender |  | ii.forgery<br>iii.Occassionin g loss to a specified authority<br>iv. obtaining advantage with inadequate consideration |
| 4.  | refraining/having refrained from bidding                   |   |  | v.trading in influence<br>vi. corrupt transactions<br>vii. money laundering  |
| 5.  | an auction conducted by/on behalf of a public/private body |   |  |  |

**MODEL CHARGES  
STATEMENT OF OFFENCE**

**CORRUPTION IN AUCTIONS**, Contrary to section 18(1)(b) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019] .

**PARTICULARS OF OFFENCE**

**A.B.** on (date) at (place) within the ..... District in ..... Region, solicited (advantage namely ....) from one **C.D.** as an inducement to C.D. to refrain from bidding at an auction No.....conducted by American Embassy on on (date) at (place)

**CORRUPTION IN EMPLOYMENT**, Contrary to Section 20 (1) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019]

|    |                          |  |  |                      |
|----|--------------------------|--|--|----------------------|
| 1. | Offer                    |  |  | i. abuse of position |
| 2. | Advantage                |  |  |                      |
| 3. | Inducement to/reward for |  |  | ii.forgery           |

|    |   |  |  |   |
|----|---|--|--|---|
| 4. | Assistance/using influence /having given assistance/used influence        | The advantage offered should be for purposes of obtaining a person's assistance/influence in obtaining employment. |  | iii. use of document intended to mislead the principal<br>iv. demanding sexual favour |
| 5. | In obtaining employment/promotion/any other matter relating to employment |  |  |   |

**MODEL CHARGES  
STATEMENT OF OFFENCE**

**CORRUPTION IN EMPLOYMENT**, Contrary to section 20 (1) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019].

**PARTICULARS OF OFFENCE**

**A.B.** on (date) at (place) within the ..... District in ..... Region, offered (advantage namely ....) to one **C.D.** as an inducement to C.D. to give assistance in obtaining employment for **A.B.** at Mkwawa University.

**CORRUPTION IN EMPLOYMENT, CONTRARY TO SECTION 20 (2) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]**

|    |   |  |  |  |
|----|---|--|--|--|
| 1. | Solicits/accepts  |  |  | i. abuse of position<br>ii. forgery<br>iii. use of document intended to mislead the principal<br>iv. demanding sexual favour |
| 2. | Advantage   |  |  |  |
| 3. | Inducement to/reward for /otherwise                                       | the inducement or reward should be designed to obtain a person's assistance/influence in obtaining an employment |  |  |
| 4. | Assistance/using influence /having given assistance/used influence        |  |  |  |
| 5. | In obtaining employment/promotion/any other matter relating to employment |  |  |  |

| <b>MODEL CHARGE<br/>STATEMENT OF OFFENCE</b>   |  |  |  |   |
|--|--|--|--|---|
| <b>CORRUPTION IN EMPLOYMENT</b> , Contrary to section 20 (2) of the Prevention and Combating Corruption [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019] |  |  |  |   |
| <b>PARTICULARS OF OFFENCE</b>  |  |  |  |   |
| <b>A.B.</b> on (date) at (place) within the ..... District in ..... Region, solicited (advantage namely ....) from one <b>C.D.</b> as an inducement to <b>A.B.</b> to give assistance in obtaining an employment for <b>C.D.</b> at Mkwawa University.                                   |  |  |  |   |
| <b>BRIBERY OF FOREIGN PUBLIC OFFICIAL, CONTRARY TO SECTION 21(1) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b>  |  |  |  |   |
| 1.   | Intentionally  |  |  | i. Abuse of position                              |
| 2.   | Promises/offers/ gives   |  |  |   |
| 3.   | Foreign public official/an official of a public international organisation |  |  | ii. Corrupt transactions<br>iii. Occasioning Loss |
| 4.   | Undue advantage  | An advantage may be for himself or for any other person  |  | iv. money laundering                              |
| 5.   | act/refrain from acting  | the undue advantage must be intended to make/influence such a foreign public official to do something or refrain from doing                    |  |   |
| 6.   | in the exercise of his official duties                                     |  |  |   |
| 7.   | Obtain/retain business/ or other undue advantage                           | The acting/refraining from acting must be designed to obtain or retain business or other undue advantage in relation to local or international |  |   |

|  |   |  |  |  |
|--|---|--|--|--|
|  |   | economic undertaking or business transaction   |  |  |
| 8.   | Relating to local/international economic undertaking/business transaction |  |  |  |
| <p><b>MODEL CHARGE</b></p> <p><b>STATEMENT OF OFFENCE</b></p> <p><b>BRIBERY OF FOREIGN PUBLIC OFFICIAL</b>, Contrary to section 21(1) of the Prevention and Combating Corruption [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019]</p> <p><b>PARTICULARS OF OFFENCE</b></p> <p><b>A.B.</b> on (date) at (place) within the ..... District in ..... Region, intentionally offered an undue advantage namely .... to one <b>C.D., a foreign public official working as Country Director at the American Embassy in Tanzania</b> in order that <b>C.D. while exercising his official duties</b> refrain from publishing a list of American Multinational Companies with bad tax records so as to allow GF Multinational Company to obtain a business in relation to local economic undertaking namely, a tender to supply computers to Tanzanian Government Secondary Schools.</p> |   |  |  |  |
| <p><b>BRIBERY OF FOREIGN PUBLIC OFFICIAL, CONTRARY TO SECTION 21(2) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b></p>   |   |  |  |  |
| 1.   | Foreign Public Official/Official of Public International Organisation     |  |  |  |
| 2.   | Intentionally   |  |  |  |
| 3.   | Solicits/accepts  |  |  |  |
| 4.   | An undue advantage  | An advantage may be for himself or for another person  |  |  |
| 5.   | act/refrain from acting   | the undue advantage must be intended to make/influence such a foreign public official or an official of a public |  |  |

|   |  |  |  |   |
|---|--|--|--|---|
|   |  | international organisation to do something or refrain from doing   |  |   |
| 6.  | In the exercise of his official duties |  |  |   |
| <p><b>MODEL CHARGE</b><br/><b>STATEMENT OF OFFENCE</b></p> <p><b>BRIBERY OF FOREIGN PUBLIC OFFICIAL</b>, Contrary to section 21(2) of the Prevention and Combating Corruption Act, [CAP. 329 R.E 2019] read together with paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019].</p> <p><b>PARTICULARS OF OFFENCE</b></p> <p><b>A.B.</b> on (date) at (place) within the ..... District in ..... Region, being a foreign public official as a Country Director at the American Embassy in Tanzania, intentionally, accepted an undue advantage namely .... for himself from one <b>C.D. in order for A.B., while exercising his official duties</b>, in order to refrain from publishing a list of American Multinational Companies with bad tax records with a view to allowing GF Multinational Company obtain a business in relation to local economic undertaking namely, a tender to supply computers to Tanzanian Government Secondary Schools.</p> |  |  |  |   |
| <p><b>GIVING DOCUMENTS INTENDED TO MISLEAD PRINCIPAL, CONTRARY TO SECTION 22 OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b></p> <p>The section has two limbs, one for person who gives a document to an agent and the other one is for an agent who, with intent to defraud or deceive, uses a document</p> <p style="text-align: center;"><b>FIRST LIMB</b></p>  |  |  |  |   |
| 1.  | Knowingly                              |  |  | i. Forgery  |
| 2.  | Give                                   |  |  |   |
| 3.  | Document                               | The document must relate to the agent's principal's affairs or business. These may include any kind of a document relating to financial, property or any affairs of the principal. |  | ii. Uttering false document<br>iii. Occasional loss to a specified authority<br>iv. embezzlement and misappropriation |
| 4.  | Agent                                  | As defined under section 3 of the PCCA   |  |   |
| 5.  | With intent to deceive, or defraud his |  |  |   |

|    |  |   |  |  |
|----|--|---|--|--|
|    | principal  |   |  |  |
| 6. | The document must relate to the agent's principals affairs or business |   |  |  |
| 7. | False/erroneous/defective (in any material particular)                 | The document must be false, erroneous or defective. |  |  |
| 8. | Knowledge to mislead the agent's principal                             |   |  |  |

**MODEL CHARGE  
STATEMENT OF OFFENCE**

**GIVING A DOCUMENT INTENDED TO MISLEAD THE PRINCIPAL**, Contrary to Section 22 of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019], read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019]

**PARTICULAR OF OFFENCE**

**A.B.**, on the (date) at (place) within ...District in...Region, knowingly, gave to C.D who is employed by TRA as Tax Assessor, a document namely, a tax return for the month of December, 2020 dated 15<sup>th</sup> January, 2021, relating to C.Ds principal affairs, containing a statement which is false in material particulars, purporting to show that AB suffered a loss of Tanzanian Shillings Two Hundred Million (TZS 200,000,000/=), which to A.B's knowledge was intended to mislead C.Ds Principal.

**USE OF DOCUMENTS INTENDED TO MISLEAD PRINCIPAL, CONTRAY TO SECTION 22 OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]**

**SECOND LIMB**

|    |  |  |  |   |
|----|--|--|--|---|
| 1. | Agent  |  |  | i. Forgery<br><br>ii. Uttering false document                                       |
| 2. | Knowingly  |  |  |   |
| 3. | Uses   |  |  |   |
| 4. | Document   |  |  |   |
| 5. | With intent to deceive, or defraud his principal |  |  | iii. Occassioning loss to specified authority<br><br>iv. Stealing by public servant |
| 6. | The document                                     |  |  |   |



|    |  |  |  |  |
|----|--|--|--|--|
|    | must relate to agent's principals affairs or business  |  |  |  |
| 7. | False/erroneous/defective (in any material particular) | The document must be false, erroneous or defective |  |  |
| 9. | Knowledge to mislead his principal                     |  |  |  |

**MODEL CHARGE  
STATEMENT OF OFFENCE**

**USE OF DOCUMENT INTENDED TO MISLEAD THE PRINCIPAL**, Contrary to Section 22 of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019], read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E. 2019]

**PARTICULAR OF OFFENCE**

**A.B.**, on the (date) at (place) within ...District in...Region, being employed by Dar es Salaam Town Council as an Engineer, with intent to defraud his principal, knowingly used a document namely, Certificate of completion of the construction of the Tanzanite bridge dated 20/01/2021, relating to his principal's business, which contains a defective statement in material particulars, purporting to show that the contractor namely MAJUMBA SITA ENG.&CONSTRUCTIONS CO. LTD has substantially completed the installation of the road lights as per the construction contract No.7 of 2020 and is entitled to the payment of Tanzanian Shillings One Hundred Million (TZS 100,000,000/=), which to his knowledge was intended to mislead the Principal.

**OBTAINING WITHOUT ADEQUATE CONSIDERATION, CONTRARY TO SECTION 23(1) (a) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]**

|    |   |  |  |  |
|----|---|--|--|--|
| 1. | Solicits/accepts/obtains/agree to accept/attempts to obtain |  |  | i. corrupt transaction<br>ii. abuse of position<br>iii. money laundering |
| 2. | An advantage (for himself or another person)                |  |  |  |
| 3. | Unlawful consideration/inadequate lawful consideration      |  |  |  |
| 4. | Advantage must be from a person who was/is/may be/          |  |  |  |

|    |  |  |  |  |
|----|--|--|--|--|
|    | likely to be concerned in any matter or transaction with himself or having any connection with his official functions or of any official to whom he is subordinate (either before himself/in his office/his subordinate) |  |  |  |
| 5. | Knowledge/reasons to believe that the person is concerned in any matter or official functions  |  |  |  |

**MODEL CHARGE  
STATEMENT OF OFFENCE**

**OBTAINING ADVANTAGE WITHOUT ADEQUATE**, Contrary to Section 23(1)(a) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019]

**PARTICULARS OF OFFENCE**

**A.B.**, on (date) at (place) within ...District in...Region, being a public official employed by NASACO in the capacity of Director General, obtained from one F.G. one hundred bags of cement valued at TZS 1,700,000/= at inadequate consideration of Tanzanian Shilling Two Hundred Thousand (TZS 200,000/=), while he knew that the said F.G. was concerned with a matter before him/ having connection with his official functions to wit; application for tender to supply building materials to NASACO.

**OBTAINING ADVANTAGE WITHOUT LAWFUL CONSIDERATION: 23(1) (b) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]**

|    |   |                  |  |   |
|----|---|------------------|--|---|
| 1. | Solicits/accepts/obtains/agree to accept/attempts to obtain |                  |  | i. Corrupt transaction<br>ii. Abuse of position |
| 2. | An advantage  | An advantage for |  |   |

|    |   |                           |  |                       |
|----|---|---------------------------|--|-----------------------|
|    |   | himself or another person |  | iii. Money laundering |
| 3. | Unlawful consideration/ina dequate lawful consideration   |                           |  |                       |
| 4. | Advantage must be from a person who is concerned with or interested in any matter related to or acting on behalf of another |                           |  |                       |
| 5. | Knowledge/reasons to believe that the person is interested in or has any matter before him                                  |                           |  |                       |

### MODEL CHARGES

#### STATEMENT OF OFFENCE

**OBTAINING ADVANTAGE WITHOUT LAWFUL CONSIDERATION**, Contrary to Section 23(1)(b) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019]

#### PARTICULARS OF OFFENCE

**A.B.**, on (date) at (place) within ...District in...Region, being a public official employed by NASACO in the capacity of Director General obtained an advantage of one hundred bags of cement valued at Tanzanian Shillings One Million Seven Hundred Thousand (TZS 1,700,000/=) from one FG, without furnishing any lawful consideration, while he knew that the said F.G. was concerned with a matter before him to wit; an application for tender to supply building materials.

#### MODEL CHARGE (IN PRIVATE SECTOR)

#### STATEMENT OF OFFENCE

**OBTAINING ADVANTAGE WITHOUT LAWFUL CONSIDERATION**, Contrary to Section 23(1)(a) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019]

#### PARTICULARS OF OFFENCE

**A.B.**, on (date) at (place) within ...District in...Region, being a Managing Director of Bank of Africa obtained an advantage of a motor vehicle make Toyota Harrier with Registration No. T 123 DPG without any lawful consideration from one F.G, while he had reason to believe that F.G. was concerned with a matter before him/in connection with his official functions to wit; application for tender to supply building materials to

|   |   |   |  |                             |
|---|---|---|--|-----------------------------|
| Bank of Africa.   |   |   |  |                             |
| <b>DEMANDING SEXUAL FAVOURS, CONTRARY TO SECTION 25 OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b>  |   |   |  |                             |
| 1.  | position of powers/ authority   | the person charged must have position of power or authority   |  | Sexual harassment           |
| 2.  | Demands/imposes   |   |  |                             |
| 3.  | Sexual favour/ any other related favour   |   |  |                             |
| 4.  | In the exercise of his/her position of powers or authority                        | The demand or imposition of sexual favour must be made while the accused exercising his position of power or authority.             |  |                             |
| 5.  | Condition for giving employment/promotion/right/privilege/ preferential treatment | The demand/imposition of sexual favour must be conditioned to giving employment/promotion /right/ Privilege/preferential treatment. |  |                             |
| <b>MODEL CHARGE</b><br><b>STATEMENT OF OFFENCE</b><br><b>DEMANDING SEXUAL FAVOUR</b> , Contrary to Section 25 of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Section 57(1) and 60 (2) of the Economic and Organized Crime Control Act, [Cap.200 R.E. 2019]  |   |   |  |                             |
| <b>PARTICULARS OF OFFENCE</b><br><b>A.B.</b> , on the (date) at (place) within ...District in...Region, being Human Resource Officer of <b>NASACO</b> responsible for recruitment, in exercise of his authority, demanded sexual favour from <b>C.D.</b> , one of the applicants for the post of accountant, by asking her to have sex with him as a condition for <b>A.B.</b> to <b>give employment</b> to <b>C.D.</b> |   |   |  |                             |
| <b>FAILURE TO COMPLY WITH THE REQUIREMENT OF A NOTICE, CONTRARY TO SECTION 26(3) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b>   |   |   |  |                             |
| 1.  | Public Official   |   |  | i. Giving false information |
| 2.  | Notice  | A notice must have been issued to a   |  | ii. Forgery                 |

|  |  |   |   |  |
|--|--|---|---|--|
|  |  | public official requiring him to reply and give true and full account.  |   |  |
| 3.   | Failure to comply with requirement(s) of notice        | Failure to comply with any requirement(s) of notice includes giving false account, partial account or refusing to reply.  |   |  |
| <p><b>MODEL CHARGE</b><br/> <b>STATEMENT OF OFFENCE</b><br/> <b>FAILURE TO COMPLY WITH REQUIREMENT OF NOTICE</b>, Contrary to Section 26(3) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and section 57(1) and 60 (2) of the Economic and Organized Crime Control Act, [Cap.200 R.E. 2019]</p> <p><b>PARTICULARS OF OFFENCE</b><br/> (A.B.), on the (date) at (place) within ...District in...Region, being a public official employed as an Assistant Director of Audit Department in the Tanzania Revenue Authority (TRA), failed to comply with the requirement of notice issued to him by C.D., an Officer of PCCB, by giving false account of property indicating that a house comprised in Plot No. 60 Block C Mikocheni in Dar es Salaam was acquired at Tanzanian Shillings Fifty Million (TZS 50,000,000/=) only.</p> <p><b>MAINTAINING STANDARD OF LIVING NOT COMMENSURATE WITH LAWFUL INCOME, CONTRARY TO SECTION 27 (1) (a) AND (3) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b></p> |  |   |   |  |
| 1.   | Being a Public official/ Having been a Public Official | Meaning a person currently holding a public office or has previously held a public office within the past five years (Section 26(5) of PCCA).<br>The five years counts from the time of retiring from office to the date of being issued with the notice to give account of his living standard | Notice issued under Section 26(5) of the PCCA | <ul style="list-style-type: none"> <li>i. Corrupt transactions</li> <li>ii. Embezzlement and misappropriation of public fund</li> <li>iii. Diversion</li> <li>iv. Abuse of position</li> </ul> |

|  |   |   |  |  |
|--|---|---|--|--|
| 2.   | Maintain standard of living above that which is commensurate with his lawful income | Income includes present or past   |  |  |
| <p><b>MODEL CHARGE</b><br/> <b>STATEMENT OF OFFENCE</b><br/> <b>MAINTAINING STANDARD OF LIVING NOT COMMENSURATE WITH LAWFUL INCOME</b>, Contrary to Section 27(1)(a) and (3) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019], read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [Cap.200 R.E. 2019]</p> <p><b>PARTICULAR OF OFFENCE</b><br/> <b>A.B.</b>, on diverse dates between 1<sup>st</sup> January, 2018 and 31<sup>st</sup> December, 2021 at Mjengoni area within Dodoma District in Dodoma Region, being a public official employed by Tanzania Building Agency (TBA) as a Quantity Surveyor, maintained a standard of living amounting to Tanzanian Shillings One Billion (TZS 1,000,000,000/= which was not commensurate to his lawful income worth Tanzanian Shillings Two Hundred Million (TZS 200,000,000/=).</p> <p><b>OWNING PROPERTY DISPROPORTIONATE TO LAWFUL INCOME, CONTRARY TO SECTION 27(1) (b) AND (3) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b></p> |   |   |  |  |
| 1.   | Being a Public official/ Having been a Public Official                              | Meaning a person currently holding a public office or has previously held a public office within the past five years (Section 26(5) of PCCA).<br>The five years counts from the time of retiring from office to the date of being issued with the notice to give account of his living standard | Notice issued under Section 26(5) of the PCCA. | <ul style="list-style-type: none"> <li>i. Abuse of position.</li> <li>ii. Embezzlement and misappropriation of public fund</li> <li>iii. Diversion</li> <li>iv. occasioning loss to a specified authority</li> </ul> |
| 2.   | Owning a property   | The property may be in possession of, or registered in another person's name but under the  |  |  |

|   |  |  |  |   |
|---|--|--|--|---|
|   |  | control of a public official (see section 26(5) & 27(2) of the PCCA) |  |   |
| 3.  | The property must be disproportionate to his lawful income   | Income includes present or past                                      |  |   |
| <p><b>MODEL CHARGE</b><br/> <b>STATEMENT OF OFFENCE</b><br/> <b>OWNING PROPERTY DISPROPORTIONATE TO LAWFUL INCOME</b>, Contrary to Section 27(1)(b) and (3) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019], read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E 2019]</p> <p><b>PARTICULAR OF OFFENCE</b><br/> <b>A.B.</b>, on diverse dates between 1<sup>st</sup> January, 2018 and 31<sup>st</sup> December, 2021 at Mjengoni area within Dodoma District in Dodoma Region, being a public official employed by Tanzania Building Agency (TBA) as a Quantity Surveyor, owned property namely, two (2) storey houses located at Oysterbay-Msasani in the City of Dar es Salaam valued at Tanzanian Shilling Two Billion (TZS 2,000,000,000/=) which was not proportionate to his lawful income amounting to Tanzanian Shilling Six Hundred Million (TZS 600, 000,000/=).</p> |  |  |  |   |
| <p><b>EMBEZZLEMENT &amp; MISAPPROPRIATION: SECTION 28 (1) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b></p>  |  |  |  |   |
| 1.  | Public Official  |  |  | i. Stealing by public servant.<br>ii. Abuse of position.<br>iii. Occasioning loss to a specified authority. |
| 2.  | Dishonestly/ fraudulently  |  |  |   |
| 3.  | Misappropriates/ converts for his own use/allows another person to Misappropriate/allows another person to convert for that other person's use |  |  |   |
| 4.  | Property entrusted to him or under his   |  |  |   |

|   |                              |  |  |  |
|---|------------------------------|--|--|--|
|   | control as a public official |  |  |  |
| <p style="text-align: center;"><b>MODEL CHARGES</b><br/><b>STATEMENT OF OFFENCE (FIRST SCENARIO)</b></p> <p><b>EMBEZZLEMENT AND MISAPPROPRIATION</b>, Contrary to section 28(1) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and sections 57(1) and 60(2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E 2019].</p> <p style="text-align: center;"><b>PARTICULARS OF OFFENCE</b></p> <p><b>A. B.</b>, on the (date) at Kichumvi area within Kigoma District in Kigoma Region, being a public official employed by Tanzania Railway Corporation as a Station Master of Uvinza Railway Station, fraudulently converted for his own use a Motor vehicle make Toyota Hilux with Registration No. SU 2334, the property which was entrusted to him as a public official.</p>   |                              |  |  |  |
| <p style="text-align: center;"><b>STATEMENT OF OFFENCE (SECOND SCENARIO)</b></p> <p><b>EMBEZZLEMENT AND MISAPPROPRIATION</b>, Contrary to section 28(1) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and sections 57(1) and 60(2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E 2019].</p> <p style="text-align: center;"><b>PARTICULARS OF OFFENCE</b></p> <p><b>A. B.</b>, on the (date) at Kichumvi area within Kigoma District in Kigoma Region, being a public official employed by Tanzania Railway Corporation as a Station Master of Uvinza Railway Station, dishonestly, allowed (C.D.) to misappropriate three hundred Litres of diesel valued at Tanzanian Shillings Seven Hundred Fifty Thousand (TZS 750,000/=), the property which was under (A. B's) control, as a public official.</p>                 |                              |  |  |  |
| <p style="text-align: center;"><b>STATEMENT OF OFFENCE (THIRD SCENARIO)</b></p> <p><b>EMBEZZLEMENT AND MISAPPROPRIATION</b>, Contrary to section 28(1) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and sections 57(1) and 60(2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E 2019].</p> <p style="text-align: center;"><b>PARTICULARS OF OFFENCE</b></p> <p><b>A. B.</b>, on the (date) at Kichumvi area within Kigoma District in Kigoma Region, being a public official employed by Tanzania Railway Corporation as a Station Master of Uvinza Railway Station, fraudulently, converted for his own use three hundred Litres of diesel valued at Tanzanian Shillings Seven Hundred Fifty Thousand (TZS 750,000/=), the property which was entrusted to him/which came under his control, as a public official.</p> |                              |  |  |  |
| <p style="text-align: center;"><b>STATEMENT OF OFFENCE (FIRST SCENARIO)</b></p> <p><b>EMBEZZLEMENT AND MISAPPROPRIATION</b>, Contrary to section 28(2) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and sections 57(1) and 60(2) of the Economic</p>  |                              |  |  |  |



and Organised Crime Control Act, [CAP. 200 R.E 2019].

**PARTICULARS OF OFFENCE**

**A, B.,** on the (date) at ..... within ..... District in .....Region, being the Managing Director of MPANGACHUMA Company Ltd, fraudulently/dishonestly, misappropriated three hundred Litres of diesel valued at Tanzanian Shillings Seven Hundred Fifty Thousand (TZS 750,000/=), the property which was entrusted to him/which came under his control, as the Managing Director of MPANGACHUMA Company Ltd.

**STATEMENT OF OFFENCE (SECOND SCENARIO)**

**EMBEZZLEMENT AND MISAPPROPRIATION,** Contrary to section 28(2) of the Prevention and Combating of Corruption Act, [CAP 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and sections 57(1) and 60(2) of the Economic and Organised Crime Control Act, [CAP 200 R.E 2019].

**PARTICULARS OF OFFENCE**

**A, B.,** on the (date) at ..... within ..... District in .....Region, being the Managing Director of ..... Company Ltd, fraudulently/dishonestly, allowed D.C. to misappropriate ....., property which was entrusted to A.B./which came under A.B. control, as the Managing Director of ..... Company Ltd.

**DIVERSION, CONTRARY TO SECTION 29 OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]**

|    |  |  |  |  |
|----|--|--|--|--|
| 1. | diverts to independent agent/ to an individual                   |  |  | i.Embezzlement and Missappropriation           |
| 2. | for the purposes unrelated to those for which they were intended |  |  | ii.Stealing by servant                         |
| 3. | any property belonging to the government or its agencies         |  |  | iii.Occassioning loss to a specified authority |
| 4. | which he received by virtue of his position                      |  |  | iv. Money Laundering                           |
| 5. | for his own benefit or that of a third party                     |  |  |  |

**MODEL CHARGE  
STATEMENT OF OFFENCE**

**DIVERSION,** Contrary to section 29 of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019], read together with Paragraph 21 of the First Schedule to, and sections 57(1) and 60(2) of the Economic and organized Crime Control Act, [CAP. 200 R.E 2019].

**PARTICULARS OF OFFENCE**

**MPANGA CHUMA**, on 13<sup>th</sup> day of June, 2021 at Zimbili area within Ilala District in Dar es Salaam Region, being employed by Dar es Salaam City Council as Ward Executive Officer, diverted for his own benefit Tanzanian Shillings One Hundred Million (TZS 100,000,000/=) belonging to Dar es Salaam City Council, which was intended for the construction of Classrooms for Zimbili Primary School, the amount he received by virtue of his position.

OR

**PARTICULARS OF OFFENCE**

**MPANGA CHUMA**, on the 13<sup>th</sup> day of June, 2021 at Zimbili area within Ilala District in Dar es salaam Region, for the purpose of his own benefit, diverted to KNCU, the government property namely, Tanzanian Shillings Ten Million (TZS 10,000,000/=), which was intended to purchase furnitures for Buza government hospital, the amount which came into his possession by virtue of his position.

**AIDING/ABETTING COMMISSION OF AN OFFENCE, CONTRARY TO SECTION 30 OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]**

|    |  |   |  |                            |
|----|--|---|--|----------------------------|
| 1. | Aids/abets                               |   |  |                            |
| 2. | Person                                   | One should have aided the person who committed an offence |  |                            |
| 3. | commission of any offence under the PCCA |   |  | Any offence under the PCCA |

**STATEMENT OF OFFENCE**

**AIDING A PERSON IN COMMISSION OF AN OFFENCE**, Contrary to section 30 of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E 2019]

**PARTICULARS OF OFFENCE**

**A.B.** on (date) at (place) within .... District in.... Region aided C.D. to commit an offence namely, obtaining undue advantage, which is an offence under section 33 of the Preventing and Combating Corruption Act, No. 11 of 2007, by providing him transport to facilitate commission of the said offence.

**ABUSE OF POSITION, CONTRARY TO SECTION 31 OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]**

|    |  |  |  |   |
|----|--|--|--|---|
| 1. | An intention (abuses)                  | There must be an intention to abuse        |  | i. Diversion<br>ii. Embezzlement and misappropriation |
| 2. | Performance /failure to perform an act | There must be a legal duty imposed to that |  |   |

|    |   |  |  |  |
|----|---|--|--|--|
|    |   | person by law                                    |  | iv. Occasioning loss to a specified authority. |
| 3. | in violation of law   |  |  |  |
| 4. | in the discharge of his functions / use of his position                       |  |  |  |
| 5. | for the purpose of obtaining an undue advantage for himself or another person | An advantage as defined in section 3 of the PCCA |  |  |

**STATEMENT OF OFFENCE (FIRST SCENARIO)**

**ABUSE OF POSITION**, Contrary to section 31 of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and sections 57(1) and 60(2) of the Economic and organized Crime Control Act, [CAP. 200 R.E 2019].

**PARTICULARS OF OFFENCE**

**A.B.**, on 20<sup>th</sup> day of June, 2019 at Mjengoni area within Dodoma District in Dodoma Region, in the course of discharging his functions as a District Treasurer, intentionally abused his position by failure to bank the collected revenues of the District Council amounting to Tanzanian Shillings Twenty Million (TZS 20,000,000/=) to the District revenue account within the prescribed time, in violation of section...of the Local Government Finance Act, for the purposes of obtaining an undue advantage of the said amount for himself.

**STATEMENT OF OFFENCE (SECOND SCENARIO)**

**ABUSE OF POSITION**, Contrary to Section 31 of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and sections 57(1) and 60(2) of the Economic and organized Crime Control Act, [CAP. 200 R.E 2019].

**PARTICULARS OF OFFENCE**

**A.B.**, on 20<sup>th</sup> day of June, 2019 at Mjengoni area within Dodoma District in Dodoma Region, in the use of his Position as (position), intentionally abused his position by (act or omission), in violation of (relevant provisions of the law), for the purposes of obtaining undue advantage (of or namely).....

**CONSPIRACY TO COMMIT AN OFFENCE, CONTRARY TO SECTION 32 OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]**

|    |           |  |  |                                  |
|----|-----------|--|--|----------------------------------|
| 1. | Conspires | The conspiracy must be designed to commit any offence under PCCA. It is immaterial whether the offence was |  | Any other offence under the PCCA |
|----|-----------|--|--|----------------------------------|

|   |   |   |  |   |
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|   |   | committed or not.   |  |   |
| 2.  | Offence under PCCA  |   |  |   |
| <b>STATEMENT OF OFFENCE</b>   |   |   |  |   |
| <b>CONSPIRACY TO COMMIT AN OFFENCE</b> , Contrary to Section 32 of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and section 57(1) and 60 (2) of the Economic and Organized Crime Control Act, [CAP. 200 R.E 2019]  |   |   |  |   |
| <b>PARTICULARS OF OFFENCE</b>   |   |   |  |   |
| <b>A.B.</b> , on the 23 <sup>rd</sup> day of July, 2020 at Mwendazake area within Chato District in Geita Region, conspired with <b>C.D.</b> , a public official working as Store keeper of Chato District Council, to commit an offence of diversion which is an offence under section 29 of the Prevention and Combating of Corruption Act, No. 11 of 2007. |   |   |  |   |
| <b>TRADING IN INFLUENCE, CONTRARY TO SECTION 33 (1) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b>  |   |   |  |   |
| 1.  | Promises/offer s/gives  | Promise/offer/giving may be direct/indirect   |  | i. Corrupt transaction                      |
| 2.  | Public official or any other person   |   |  | ii. Abuse of position                       |
| 3.  | Undue advantage   | Undue advantage may be given to public official or other person (intermediary)  |  | iii. Occasion loss to a specified authority |
| 4.  | Abuse his real or supposed influence  | Influence may be real or supposed. It is not necessary to prove that the offender really had influence over the decision making body. |  |   |
| 5.  | With a view to obtaining an undue advantage from the decision-making body for an original instigator/other person | Instigator means a person who makes promise/offer/ giving   |  |   |

|   |   |  |   |
|---|---|--|---|
| <p><b>MODEL CHARGE</b><br/><b>STATEMENT OF OFFENCE</b></p> <p><b>TRADING IN INFLUENCE</b>, Contrary to Section 33(1) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019], read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E 2019]</p> <p style="text-align: center;"><b>PARTICULARS OF OFFENCE</b></p> <p>(A.B.), on (dates) at (place) within ...District in...Region, offered an undue advantage of Tanzanian Shillings Ten Million (TZS 10,000,000/=) to one C.D. who is employed by NPS as the Director of Procurement Management Unit in order for the said C.D. to abuse his influence over the decision of the NPS Tender Board to award tender no....., with a view of obtaining from the NPS an undue advantage for A.B to wit; a contract to supply building materials.</p> |   |  |   |
| <p><b>TRADING IN INFLUENCE, CONTRARY TO SECTION 33 (2) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b></p>   |   |  |   |
| 1.  | Solicits/accepts  | Solicitation/acceptance may be made by public official or any other person | <ul style="list-style-type: none"> <li>i. Corrupt transaction</li> <li>ii. Abuse of position</li> <li>iii. Occasioning loss to a specified authority</li> </ul> |
| 2.  | Undue advantage   | by public official or other person (for intermediary)                      |   |
| 3.  | Abuse of influence  |  |   |
| 4.  | Intention to obtain undue advantage from the decision making body( for instigator/other person) | Instigator means a person who makes promise/offer/ giving                  |   |
| <p><b>MODEL CHARGE</b><br/><b>STATEMENT OF OFFENCE</b></p> <p><b>TRADING IN INFLUENCE</b>, Contrary to Section 33 (2) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019], read together with Paragraph 21 of the First Schedule to, and Sections 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E 2019]</p> <p style="text-align: center;"><b>PARTICULAR OF OFFENCE</b></p> <p><b>C.D.</b>, on (dates) at (place) within ...District in...Region, being a public official employed as an accountant in the NPS, accepted from one A.B. an undue advantage</p>  |   |  |   |

of Tanzanian Shillings ... in order for C.D. to abuse his influence over the decision of a public authority namely, the Tender Board of the NPS, with the view of obtaining undue advantage for A.B. to wit; an award of a tender to supply building materials.

**TRANSFER OF PROCEEDS OF CORRUPTION, CONTRARY TO SECTION 34(1)(a) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]**

|    |  |  |  |                                 |
|----|--|--|--|---------------------------------|
| 1. | Converts/transfers/disposes  |  |  | i. Any other offence under PCCA |
| 2. | Property   | Property which is proceeds of corruption offence or any other related offence  |  | ii. Money Laundering            |
| 3. | Knowledge  | Knowledge that the property is proceeds of corruption or other related offence   |  |                                 |
| 4. | Concealing/disguising the origin of property OR helping any person to evade legal consequences | The intention of conversion/transfer or disposal should be to conceal/disguise the illicit origin of a property OR to help another person to evade legal consequences. |  |                                 |

**MODEL CHARGE  
STATEMENT OF OFFENCE**

**TRANSFER OF PROCEEDS OF CORRUPTION**, Contrary to Section 34(1)(a) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and section 57(1) and 60 (2) of the Economic and Organized Crime Control Act, [CAP. 200 R.E 2019]

**PARTICULARS OF OFFENCE**

**(A.B.)**, on the (date) at (place) within ...District in...Region, for purposes of disguising the origin of the property namely, **a motor vehicle no. T 819 DDF make BMW**, disposed of the said property by selling the same to **C.D.**, while he knew that it was proceeds of corruption offence namely, embezzlement and misappropriation.

**TRANSFER OF PROCEEDS OF CORRUPTION, CONTRARY TO SECTION 34(1)(b) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E**

|   |                                  |  |  |                                 |
|---|----------------------------------|--|--|---------------------------------|
| <b>2019]</b>  |                                  |  |  |                                 |
| 1.  | Acquires/possesses/uses          |  |  | i. Any other offence under PCCA |
| 2.  | Property                         | Property which is proceeds of corruption offence or any other related offence  |  | ii. Money Laundering            |
| 3.  | Knowledge                        | Knowledge that the property is proceeds of corruption or other related offence |  |                                 |
| <p><b>MODEL CHARGE</b></p> <p><b>STATEMENT OF OFFENCE</b></p> <p><b>TRANSFER OF PROCEEDS OF CORRUPTION</b>, Contrary to Section 34(1)(b) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and section 57(1) and 60 (2) of the Economic and Organized Crime Control Act, [CAP. 200 R.E 2019]</p> <p><b>PARTICULARS OF OFFENCE</b></p> <p><b>A.B.</b>, on the (date) at (place) within ...District in...Region, acquired property namely, <b>a motor vehicle no. T 819 DDF make BMW</b> by purchasing it from C.D. while he knew that the said property was proceeds of corruption offence namely, embezzlement and misappropriation.</p> |                                  |  |  |                                 |
| <b>CONTRAVENTION OF A PROHIBITORY NOTICE CONTRARY TO SECTION 34(5) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b>   |                                  |  |  |                                 |
| 1.  | Notice                           | There must be a notice issued by the DPP under section 34(2) or (3)            |  |                                 |
| 2.  | Transfers/disposes/parts with    |  |  |                                 |
| 3.  | Property specified in the notice |  |  |                                 |

| <b>MODEL CHARGE</b>  |                    |  |  |                               |
|--|--------------------|--|--|-------------------------------|
| <b>STATEMENT OF OFFENCE</b>  |                    |  |  |                               |
| <b>CONTRAVENTION OF PROHIBITORY NOTICE</b> , Contrary to Section 34(5) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and section 57(1) and 60 (2) of the Economic and Organized Crime Control Act, [CAP. 200 R.E 2019]  |                    |  |  |                               |
| <b>PARTICULARS OF OFFENCE</b>  |                    |  |  |                               |
| <b>ANANIONEA WIVU</b> , on the 11 <sup>th</sup> day of September, 2021 at Mazengo area within Dodoma District in Dodoma Region, having been served with the prohibitory notice issued by Director of Public Prosecutions, disposed of property namely, building comprised in Plot No. 67 Block J Kidachi Dodoma, by selling the said property to <b>one AKILI NYINGI</b> , in contravention of the prohibitory notice dated 12 <sup>th</sup> March 2020, which required him not to dispose of the said property in any manner. |                    |  |  |                               |
| <b>FALSE PRETENCE TO BE AN OFFICER, CONTRARY TO SECTION 36(a) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b>   |                    |  |  |                               |
| 1.   | False pretence     | The false pretence should be to be an officer of the PCCB or have any power of the officer under PCCA. |  | Personating a public officer. |
| <b>MODEL CHARGE</b>  |                    |  |  |                               |
| <b>STATEMENT OF OFFENCE</b>  |                    |  |  |                               |
| <b>FALSE PRETENCE TO BE AN OFFICER</b> , Contrary to Section 36(a) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and section 57(1) and 60 (2) of the Economic and Organized Crime Control Act, [CAP. 200 R.E. 2019]   |                    |  |  |                               |
| <b>PARTICULARS OF OFFENCE</b>  |                    |  |  |                               |
| <b>FAHARI YA MACHO</b> , on the 22 <sup>nd</sup> day of May, 2020 at Kijiwenongwa area within Temeke District in Dar es salaam Region, falsely pretended to be an officer of the Prevention and Combating of Corruption Bureau by introducing himself to MTENDA HAKI that he was Principal Investigator of PCCB, a fact which he knew was false.   |                    |  |  |                               |
| <b>FALSE PRETENCE TO PROCURE AN OFFICER, CONTRARY TO SECTION 36 (b) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b>   |                    |  |  |                               |
| 1.   | False pretence     | The false pretence to be an officer of the PCCB or have any powers of officer under PCCA.              |  | Personating a public officer. |
| 2.   | Procure an officer |  |  |                               |



|   |   |  |  |  |
|---|---|--|--|--|
| <p><b>MODEL CHARGE</b><br/><b>STATEMENT OF OFFENCE</b></p> <p><b>FALSE PRETENCE TO PROCURE AN OFFICER</b>, Contrary to Section 36(b) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and section 57(1) and 60 (2) of the Economic and Organized Crime Control Act, [CAP. 200 R.E. 2019]</p> <p><b>PARTICULARS OF OFFENCE</b></p> <p><b>MZEE WA MICHONGO</b>, on the 7<sup>th</sup> day of August, 2017 at Upanga within Ilala District in Dar es salaam Region, falsely pretended before <b>DUNIA HAINA HURUMA</b> that he was able to procure an officer of the Prevention and Combating of Corruption Bureau one <b>MZEE WA KUNYOOKA</b> , a principal investigator, who could rewrite <b>DUNIA HAINA HURUMA</b>'s statement as a witness, a fact he knew was false.</p> |   |  |  |  |
| <p><b>DISCLOSURE OF INFORMATION ON THE INVESTIGATION WITHOUT LAWFUL AUTHORITY, CONTRARY TO SECTION 37(1)(a) OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b></p>  |   |  |  |  |
| 1.  | Knowing/<br>suspecting                            |  |  |  |
| 2.  | Investigation of<br>offence                       | The investigation<br>must relate to the<br>offence under<br>PCCA or any<br>other law relating<br>to corruption |  |  |
| 3.  | Discloses to the<br>subject                       |  |  |  |
| 4.  | Without lawful<br>authority/reasona<br>ble excuse |  |  |  |
| <p><b>MODEL CHARGE</b><br/><b>STATEMENT OF OFFENCE</b></p> <p><b>DISCLOSURE OF INFORMATION ON THE INVESTIGATION WITHOUT LAWFUL AUTHORITY</b>, Contrary to Section 37(1)(a) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and section 57(1) and 60 (2) of the Economic and Organised Crime Control Act, [CAP. 200 R.E 2019]</p> <p><b>PARTICULARS OF OFFENCE</b></p> <p><b>MPIGA DILI MZOEFU</b>, on the 30<sup>th</sup> day of December, 2019 at Kijiwepoa area within Ilala District in Dar es Salaam Region, having known the information about investigation of <b>TAPELI MZOEFU</b>, without lawful authority, disclosed to <b>TAPELI MZOEFU</b> that he was being investigated and was about to be arrested for interrogation.</p>                                  |   |  |  |  |
| <p><b>DISCLOSURE OF INFORMATION ON THE INVESTIGATION WITHOUT LAWFUL AUTHORITY, CONTRARY TO SECTION 37(1)(b) OF THE PREVENTION AND</b></p>   |   |  |  |  |

| <b>COMBATING OF CORRUPTION ACT, [CAP. 329 R.E 2019]</b>   |  |  |  |  |
|---|--|--|--|--|
| 1.  | Knowing/suspecting                         |  |  |  |
| 2.  | Investigation of offence                   |  |  |  |
| 3.  | Discloses to the subject                   |  |  |  |
| 4.  | Without lawful authority/reasonable excuse |  |  |  |
| <p><b>MODEL CHARGES</b></p> <p><b>STATEMENT OF OFFENCE</b></p> <p><b>DISCLOSURE OF INFORMATION ON THE INVESTIGATION WITHOUT LAWFUL AUTHORITY</b>, Contrary to Section 37(1)(b) of the Prevention and Combating of Corruption Act, [CAP. 329 R.E 2019] read together with Paragraph 21 of the First Schedule to, and section 57(1) and 60 (2) of the Economic and Organized Crime Control Act, [CAP. 200 R.E 2019]</p> <p><b>PARTICULARS OF OFFENCE</b></p> <p><b>NGUVU NYINGI</b>, on the 29<sup>th</sup> day of November, 2020 at Msakatonge area within Dodoma District in Dodoma Region, having known the information about investigation of AKILI KIDOGO, without lawful authority, disclosed to the public the identity of subject of investigation to wit, he wrote in Mwananchi Newspaper dated 12<sup>th</sup> May, 2020 that AKILI KIDOGO was being investigated in respect of supplying fire fighting and rescue equipment scandal.</p> |  |  |  |  |
|   |  |  |  |  |
|   |  |  |  |  |
|   |  |  |  |  |
|   |  |  |  |  |

## NPS ANNEXURE II

# INVESTIGATION DIARY TEMPLATE

| S/N | ACTION TAKEN | DATE | INVESTIGATION OFFICER | REMARKS | SIGNATURE |
|-----|--------------|------|-----------------------|---------|-----------|
|     |              |      |                       |         |           |
|     |              |      |                       |         |           |
|     |              |      |                       |         |           |
|     |              |      |                       |         |           |

**NPS ANNEXURE III**

**HANDING OVER NOTE  
(SEIZURE EFFECTED BY NONE  
INVESTIGATING OFFICER)**

I.....OF P.O.BOX .....DISTRICT IN..... REGION.  
I have seized from Mr / Ms.....of  
P.O.BOX....., District of..... and Region of.....

The following items have been seized from the above mentioned suspect: -

| SN | ITEM |
|----|------|
|    |      |
|    |      |
|    |      |

In the presence of the following witnesses: -

| SN | NAME OF WITNESS | SIGNATURE |
|----|-----------------|-----------|
| 1  |                 |           |
| 2  |                 |           |
| 3  |                 |           |

The following items which have been seized items have been handed over to investigating officer.

| SN | ITEM |
|----|------|
| 1  |      |
| 2  |      |
| 3  |      |

1. NAME AND SIGNATURE OF HANDING OVER  
PERSON.....  
THIS .....DAY OF .....202.....
2. NAME AND SIGNATURE OF THE SUSPECT.....  
THIS .....DAY OF .....202.....
3. NAME AND SIGNATURE OF INVESTIGATING OFFICER.....  
THIS .....DAY OF .....202.....

# HATI YA MAKABIDHIANO (UCHUKUAJI WA KIELELEZO ULIOFANYWA NA RAIA)

Mimi.....wa S.L.P.....  
 Nememkamata Bw/Bi.....wa S.L.P.....  
 Baada ya kumkamata kwa tuhuma za.....na  
 kumpekua vitu vifuatavyo vimechukuliwa toka kwake:-

| Na | Aina ya kielelezo |
|----|-------------------|
| 1  |                   |
| 2  |                   |
| 3  |                   |

**JINA NA SAINI YA MTUHUMIWA**.....Kwamba ukamataji wa  
 vielelezo tajwa hapo juu umeshuhudiwa na:-

| Na | JINA | SAINI |
|----|------|-------|
| 1  |      |       |
| 2  |      |       |
| 3  |      |       |

Kwamba leo tarehe.....mwezi wa.....202..... nakabidhi  
 vielelezo tajwa kwa afisa mpelelezi mbele ya mtuhumiwa.

- JINA NA SAINI YA ANAYEKABIDHI.....  
 TAREHE.....MWEZI WA.....202.....
- JINA NA SAINI YA MTUHUMIWA.....  
 TAREHE.....MWEZI WA.....202.....
- JINA NA SAINI YA AFISA UPELELEZI.....  
 TAREHE.....MWEZI WA.....202.....

**NPS ANNEXURE IV**

**INVESTIGATION PLAN**

|                                   |   |
|-----------------------------------|---|
|                                   |   |
| <b>Investigation File Number</b>  |   |
| <b>Investigators</b>              |   |
| <b>Date of assignment</b>         |   |
| <b>Assignor</b>                   |   |
| <b>Suspect</b>                    |   |
| <b>Timeline for Investigation</b> |   |
| <b>BRIEF FACTS OF ALLEGATION</b>  |   |
|                                   |   |
| <b>Offence(s) Disclosed</b>       | <b>Element to be proved (refer to element work sheet)</b> |
|                                   |   |
|                                   |   |
|                                   |   |
|                                   |   |
|                                   |   |

**WITNESS(S) TO BE INTERVIEWED**

| Name of Witness | Contacts | Location | Position/relationship with the Accused | Relevance of the evidence |
|-----------------|----------|----------|--|---------------------------|
|                 |          |          |  |                           |
|                 |          |          |  |                           |
|                 |          |          |  |                           |
|                 |          |          |  |                           |

**WITNESS PROTECTION**

| Name of witness | location | Nature/type of threat | Protection measure | Remarks |
|-----------------|----------|-----------------------|--------------------|---------|
|                 |          |                       |                    |         |
|                 |          |                       |                    |         |
|                 |          |                       |                    |         |

**EXHIBIT TO BE COLLECTED**

| Name of Exhibit | Nature/STATUS OF EXHIBIT | Location | Custodian | RELEVANCE OF THE EXHIBIT |
|-----------------|--------------------------|----------|-----------|--------------------------|
|                 |                          |          |           |                          |
|                 |                          |          |           |                          |
|                 |                          |          |           |                          |

| INVESTIGATIVE ACTIONS TAKEN |                     |                   |  |                                |  |  |
|-----------------------------|---------------------|-------------------|--|--------------------------------|--|--|
| Activity                    | Responsible Officer | Evidence obtained | Relevance of Evidence                                  | Date of Activity               | Remarks  |  |
| Interviewing Officer 'A'    | Investigator John   |                   | Clarification of the procedure for authorizing payment | 13 <sup>th</sup> December 2019 | Potential witness to prove certain ingredient. |  |
|                             |                     |                   |  |                                |  |  |
|                             |                     |                   |  |                                |  |  |
|                             |                     |                   |  |                                |  |  |
|                             |                     |                   |  |                                |  |  |
|                             |                     |                   |  |                                |  |  |

84

| ASSET INVOLVED |                               |                    |  |                  |                                 |                                    |  |
|----------------|-------------------------------|--------------------|--|------------------|---------------------------------|------------------------------------|--|
| S/N            | NAME AND PARTICULARS OF ASSET | OWNER OF THE ASSET | LOCATION/CUSTOMER                      | VALUE OF ASSET   | ACTION TO BE TAKEN              | REMARKS                            |  |
| 1              | House                         | A                  | Plot No. 187 Block 'D' Pasiyasi Mwanza | TZS100,000,000/- | Application for restraint order | Application made and order granted |  |
|                |                               |                    |  |                  |                                 |                                    |  |
|                |                               |                    |  |                  |                                 |                                    |  |
|                |                               |                    |  |                  |                                 |                                    |  |
|                |                               |                    |  |                  |                                 |                                    |  |



| MUTUAL LEGAL ASSISTANCE/EXTRADITION |                          |  |  |
|-------------------------------------|--------------------------|--|--|
| Evidence/Suspect                    | Location/Country         | Action to be taken                     | Remarks  |
| Payment document (cheque)           | Barclays Bank, London UK | Preparation of mutual legal assistance | DPPs office prepared and sent MLA on 13 <sup>th</sup> April 2022 |
|                                     |                          |  |  |
|                                     |                          |  |  |
|                                     |                          |  |  |
|                                     |                          |  |  |

85

Lead Investigation Officer; .....

Signature; .....

Date; .....

# PROSECUTION PLAN TEMPLATE

|                                       |  |
|---------------------------------------|--|
| <b>COURT:</b>                         |  |
| <b>FILE NO:</b>                       |  |
| <b>CASE NUMBER:</b>                   |  |
| <b>DATE OF COMMENCEMENT OF TRIAL:</b> |  |
| <b>INVESTIGATOR(S):</b>               |  |
| <b>ASSIGNED PROSECUTOR (S):</b>       |  |
| <b>SUPERVISOR:</b>                    |  |

86

| WITNESS (S) | SERIAL ORDER OF TESTIMONY | OFFENCE           | INGREDIENTS OF OFFENCE   | DATE OF TESTIMONY | KEY POINTS TO BE PROVED  | EXHIBITS TO BE TENDERED  | ADMISSIBILITY OF EXHIBITS  | POSSIBLE OBJECTION(S)/DEFENCE(S) ON TENDERING EXHIBIT   | REMARKS  |
|-------------|---------------------------|-------------------|--|-------------------|--|--|--|---|--|
| Mtama Mtama | Pw1                       | Abuse of position | <ul style="list-style-type: none"> <li>✓ Position</li> <li>✓ Intention to abuse the position</li> <li>✓ Violation of the law</li> <li>✓ Undue advantage</li> </ul> | 16/07/2022        | <ul style="list-style-type: none"> <li>✓ The accused is an employee of TPA as a Manager.</li> <li>✓ Legal duties of the accused person.</li> <li>✓ Violation of law/legal</li> </ul> | <ul style="list-style-type: none"> <li>✓ Appointment letter</li> <li>✓ Employment contract</li> <li>✓ Job description</li> </ul> | <ul style="list-style-type: none"> <li>✓ Provision of law / Rules</li> <li>✓ Precedents (case laws)</li> </ul> | <ul style="list-style-type: none"> <li>✓ Documents are photocopied.</li> <li>✓ Witness is not the maker of the documents</li> </ul> | <ul style="list-style-type: none"> <li>✓ The witness adduced credible testimony in court.</li> <li>✓ The witness turned hostile</li> </ul> |

|               |     |  |                 |            |  |   |   |  |  |
|---------------|-----|--|-----------------|------------|--|---|---|--|--|
|               |     |  |                 |            | duties.  |   |   |  |  |
| Mawazo Mazuri | Pw2 |  | Undue advantage | 22/07/2022 | <ul style="list-style-type: none"> <li>✓ Money was deposited in the accused's bank account as a result of a violation of the law.</li> <li>✓ Accused's knowledge on money deposited in his account.</li> </ul> | <ul style="list-style-type: none"> <li>✓ Mandate file</li> <li>✓ Payment voucher</li> <li>✓ Bank statement</li> </ul> | <ul style="list-style-type: none"> <li>✓ Provision of law(s)/rules</li> <li>✓ Precedents (case laws)</li> </ul> |  | Noncompliance with electronic evidence rules |
|               |     |  |                 |            |  |   |   |  |  |
|               |     |  |                 |            |  |   |   |  |  |

NPS ANNEXURE VI

BAIL SUBMISSION TEMPLATE

DRAFTING OBJECTIONS TO GRANT OF BAIL – TO BE ATTACHED TO THE PROSECUTION FILE SUMMARY OF THE CASE (BRIEF FACTS) (Attach a Copy of the Cover Report)

.....
.....
.....
.....
.....
.....

EOCCA [Cap. 200 RE. 2019], Section 36(4)

(a)The accused person has previously been sentenced to imprisonment for a term exceeding three years: (brief description to include case number, date, conviction/offence, sentence, court)

.....
.....
.....
.....
.....
.....

(Attach previous conviction sheet).

The Prosecutor must tender before the court requisite supporting documents such as copies of charge sheets and judgments.

(b)the accused person has previously been granted bail by a court and failed to comply with the conditions of the bail or absconded; (brief description to include case number, date, court, report/conviction)

.....
.....

.....  
.....  
.....  
.....  
.....

*(Attach report/records from court).*

*The Prosecutor must tender before the court requisite supporting documents such as copies of charge sheets and judgments.*

(c)charges include economic/corruption offence(s) alleged to have been committed while he was released on bail by a court of law; *(brief description including court reference, case number, date of bail, the court granting bail, date of alleged offence)*

.....  
.....  
.....  
.....  
.....  
.....

*(Attach bail order.)*

(a)necessary for the accused own protection or safety:

(i) Officer’s view based on views in the community and/or other indicators of possible harm to the accused if released (including *potential sources of harm*):

.....  
.....  
.....  
.....  
.....  
.....

(ii) The security of the accused if released on bail (the views of the officer and/or community directly or indirectly affected) (including *potential security issues*):

.....  
.....  
.....  
.....  
.....  
.....  
.....

**COMPELLING REASONS TO WITHHOLD BAIL**

**1. Likelihood that the accused will fail to appear – factors to consider:**

a) The nature of the charge or offence and the seriousness of the punishment to be awarded if the applicant is found to be guilty (*Cite the relevant section(s)*); *consider the value of money involved. Plus case law such as EDWARD KAMBUGA & ANOTHER Vs REPUBLIC (1990) TLR and ALLY NUUR DIRIE & ANOTHER Vs REPUBLIC (1988)*

.....  
.....  
.....  
.....  
.....

b) The strength of the prosecution case against the accused person/ nature of the evidence on which the suspect has been arrested:

.....  
.....  
.....  
.....  
.....

c) Community ties (*foreign or unknown nationality (immigration to be notified and supporting evidence obtained); no confirmed place of residence, employment, children/family ties: YAN SHUANGXI Vs REPUBLIC, Misc. Eco. Application No. 133 of 2015, in which the court held that the applicant's*

*failure to indicate a permanent place of abode in his affidavit left the court with no option but to reject the bail application)*

.....  
.....  
.....  
.....  
.....  
.....

d) Accused failure to surrender to bail on the previous occasion *(provide criminal case no. & court)*

.....  
.....  
.....  
.....  
.....

**2. Likelihood that the accused will interfere with witnesses and/or the investigation**

a) Likelihood of Interference with prosecution witnesses *(e.g. proximity of address/community/relationship to any witness).*

.....  
.....  
.....  
.....  
.....

b) The inquiries that the police have made in relation to the offence and any further inquiries proposed to be made *(including whether the information given by the Accused has led to the discovery of evidence or arrest of another person in relation to other offence). Note: detail may be kept to a minimum to preserve the investigation's integrity.*

.....  
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**3. Likelihood that the accused will commit an offence while on release**

a) The character and antecedents of the accused (*e.g. criminal record and/ or material yet to be recovered believed to be in possession of the accused*); other pending prosecutions.

.....  
.....  
.....  
.....  
.....

**Annex a copy of a draft affidavit sworn by the Investigating Officer with attachments referred to above where relevant.**

**A previous conviction record should accompany every fill.**









## NPS ANNEXURE X

### SENTENCING SUBMISSION TEMPLATE

1. **Brief overview of crimes committed by convicted accused person** (*A description of the crimes allows you to set the scene in terms of the gravity of the offence, and the culpability of the accused, using active verbs*).....  
.....  
.....  
.....
2. **The culpability of the accused and the totality of criminal behavior** (*role of the accused in the crime, criminal behaviour*) .....  
.....  
.....  
.....
3. **Aggravating factors**(*Address the individual and his conduct, cumulative impact of effect of criminal acts taken together, organized nature of the crime, post crime conduct*) .....  
.....  
.....  
.....
4. Information as to previous conviction ( Judgment be produced or warrant of commitment) .....  
.....  
.....  
.....
5. The impact of the offence to the victim and society ( **developmental impact in the society, healthy impact, infrastructure etc**) .....  
.....  
.....  
.....
6. Post Crime conduct:-

- i. Resisting arrest.....
  - ii. Destruction of evidence.....
  - iii. Previous conviction-produce certified copy of judgment
7. Observance of bail conditions (if the offence was bailable) .....
- .....
- .....
- .....
8. Available Option for sentence (mention the law and case law) .....
- .....
- .....
- .....
9. Possible defense (Mitigating factor-try oversee possible mitigating factors and prepare counter arguments)
- .....
- .....
- .....
10. Concluding remarks (Pray for maximum sentence, compensation, forfeiture ect) .....
- .....
- .....
- .....