



**The United Republic of Tanzania**

**The National Prosecutions Service  
(NPS)**

# **PLEA BARGAINING GUIDELINES**

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JUNE 2022

## FOREWORD

Plea bargaining is a form of alternative settlement of a criminal case without trial. It involves an active negotiation process between the accused and the prosecutor whereby the accused agrees to plead guilty to a particular offence or lesser offence in return for a concession from the prosecutor which may lead to a lenient sentence or withdrawal of other charges.

The practice of plea bargaining which was introduced in our criminal justice system in 2019 has changed the landscape in which public prosecutors and accused persons operate. Unlike in ordinary criminal trials, in cases where there are proposals to enter into plea bargaining, public prosecutors instead of becoming adversaries, they interact, discuss and negotiate with accused persons with a view to reach mutually acceptable outcomes of criminal cases. However, there are no clear guidelines for public prosecutors on how to carry out this responsibility which is new in their profession.

Thus, these guidelines have been developed to streamline the processes to be followed by public prosecutors and authorized persons in conducting plea negotiation in order to ensure negotiations are conducted in a more professional and transparent manner .

The Guidelines contain important information and practical steps that need to be adhered to during plea

bargaining negotiation. They also set out the duties of the prosecutors during the whole process of plea bargaining and, in particular, describe the manner in which the prosecutorial decision making in plea bargaining will be undertaken.

It is my hope that these guidelines will assist prosecutors and authorised officers to discharge their responsibilities during plea bargaining process in a more efficient, professional and transparent manner thereby increase the public confidence in the process. I therefore, urge all public prosecutors handling plea bargaining cases across the country to use these guidelines effectively.



Sylvester Anthony Mwakitalu  
**DIRECTOR OF PUBLIC PROSECUTIONS**

## ACKNOWLEDGEMENTS

The Plea Bargaining Guidelines for public prosecutors and authorised officers have been developed by the DPP pursuant to Sections 18(1) of the NPSA for purposes of ensuring there is consistency, efficiency, effectiveness, integrity and transparency in plea bargaining process.

On behalf of the National Prosecutions Service, I would like to convey our sincere gratitude to our key stakeholders including, but not limited to, the Prevention and Combating of Corruption Bureau, the Tanzania Police Force and the Judiciary of Tanzania for their invaluable inputs throughout the process. Their views, critiques, and contributions have immensely contributed to the improvement of the content of these guidelines.

I also wish to recognize and convey my sincere gratitude to the NPS management, under the able stewardship of the DPP, Mr Sylvester Anthony Mwakitalu, for their directive and personal commitment in steering the development of these guidelines.

Last but not least, I wish to acknowledge the contribution of Mr. Oswald Tibabyekomya, the Director of the Division of Fraud, Money Laundering and Corruption Offences together with his technical team for their tireless efforts, dedication and devotion in undertaking the task in addition to their busy daily schedules.

I also wish to convey my gratitude to all who contributed, provided inputs and advice, but because of space, their names have not been mentioned.



Joseph Sebastian Pande

**DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS**

## **ABBREVIATIONS**

- CAP - Chapter
- CPA - Criminal Procedure Act.
- EOCCA - The Economic and Organized Crime Control Act
- DPP - Director of Public Prosecutions
- GN - Government Notice
- NPS - The National Prosecutions Service
- NPSA - The National Prosecutions Service Act
- PCCA - The Prevention and Combating of Corruption Act.
- R.E - Revised Edition

## DEFINITIONS

**“Authorised officer;”** for the purpose of plea-bargaining means District Prosecutions Officer and Regional Prosecutions Officer.

**“Child in conflict with law;”** means a person under the age of eighteen who committed a crime alone or with other person of the same nature and treated in accordance with the procedure stipulated under The Law of the Child Act, Cap. 13

**“Plea agreement;”** has the meaning ascribed to it by the Criminal Procedure Act Cap 20.

**“Plea bargaining;”** has the meaning ascribed to it by the Criminal Procedure Act Cap 20.

**“Public Prosecutor;”** has the meaning ascribed to it by the National Prosecutions Services Act, Cap 430.

**“Representative;”** means an advocate, a relative, a friend or any other person legally competent to represent the accused.

**“Victim;”** has the meaning ascribed to it by Chief Justice Rules GN. No.180 of 2021.



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## **1.0 INTRODUCTION**

### **1.1 Overview**

Plea bargaining is a negotiation in a criminal case whereby the accused agrees to plead guilty to a lesser offence, or in the case of multiple offenses, to one or more of the offences charged, in exchange for a concession from the prosecutor to reduce the charge or drop some charges. This is a new practice which was introduced in the CPA in 2019 vide the Written Laws (Miscellaneous Amendment) Act No. 4 of 2019 for purposes of expediting disposal of criminal cases and decongesting prisons.

The provisions of section 194A of the CPA mandate a public prosecutor to make or consider plea bargaining proposal from the accused or his representative and negotiate a plea agreement with a view to entering into plea bargaining arrangement with the accused. Although the provisions of section 194A (3) of the CPA limit the participation of court in plea negotiations between a public prosecutor and the accused, the process of plea bargaining is still controlled by the court. The process is set in motion after the accused or prosecutor has issued notification to the court to negotiate a plea agreement in which case the court will provide the time limit of 30 days within which to negotiate the plea agreement. Once the parties have reached an agreement, the agreement is registered in court after the court has satisfied itself that the accused entered

into agreement voluntarily. For this reason, the Chief Justice has issued the Criminal Procedure (Plea Bargaining Agreement) Rules, 2021 which was published on 5 February, 2021 vide GN No. 180 of 2021 to provide for procedure and directives relating to plea bargaining arrangement before courts of competent jurisdiction.

However, there are a broad range of practices relating to plea agreement negotiation which take place outside the court proceedings. All aspects of negotiations such as correspondences between the public prosecutor and the accused, the discussions and concessions that are made during negotiations take place outside the court proceedings. But there are no clear guidelines to assist public prosecutors in discharging their responsibilities during plea negotiations.

Aware of that challenge and for effective and efficient plea-bargaining scheme, the DPP, in terms of the provisions of sections 18 of the NPSA, has issued these guidelines.

## **1.2 SCOPE OF APPLICATION**

These Guidelines are internal directives intended to guide Public Prosecutors and Authorised Officers while dealing with plea bargaining. Nothing in these Guidelines is intended to alter any court procedure or rules regarding plea bargaining.

## **2.0 PLEA BARGAINING PROCESS**

### **2.1 Initiation of Plea Bargaining**

The plea bargaining shall be initiated when:

- i. There is a pending case before the court;
- ii. The prosecution has not closed its case; or
- iii. The prosecution has closed its case, or at any time before judgment is delivered provided that written approval has been obtained from the DPP

### **1.3 PERSONS WHO MAY INITIATE PLEA BARGAINING**

- a. A plea bargaining may be initiated by:
  - i. The public prosecutor, the accused person, his representative, as the case may be; or
  - ii. Where the case involves a child in conflict with the law, his parent, guardian or social welfare officer.
- b. Where the accused or his advocate has notified the court his intention to negotiate a plea agreement he shall, by a letter, inform the DPP or Authorised Officer his intention to negotiate a plea agreement.
- c. In cases where the accused persons are jointly charged:
  - i. Each accused or his representative may write a letter to the DPP or Authorised Officer separately or jointly;

- ii. Where the accused persons write a joint letter, the same shall be signed by each accused or their representatives; or
  - iii. Where the accused person is under custody, the letter shall be sent via and endorsed by the Prison Officer In-Charge.
- d. Where the authorised officer accepts or rejects the offer to negotiate a plea agreement, he shall, by a letter, inform the accused or his representative of his response, within seven (7) days from the date of receiving the request.
- e. Where the authorised officer rejects the offer to negotiate the plea agreement, he shall state the reasons thereof.
- f. Where the authorised officer accepts the offer to negotiate the plea agreement, he shall state in the letter:
  - i. The date and time of the meeting or negotiation;
  - ii. The venue of the meeting or negotiation, such as court premises, the NPS premises, prison facilities for inmates and investigative agency premises;
  - iii. The parties to be present during the meeting or negotiation;
  - iv. The modality in which the plea negotiation will be conducted such as face to face

- meeting, video conference or correspondences; and
- v. Confidentiality of the information obtained during the plea bargaining negotiation.
- g. Where plea bargaining is initiated by the public prosecutor, the public prosecutor shall;
  - i. Enquire, in writing, from the accused person or, his representative whether he is willing to enter into plea agreement negotiation; and
  - ii. Set a deadline for a response from the accused person, his representative which may not exceed 14 days.
- h. Where accused persons are jointly charged, the public prosecutor may initiate plea bargaining with any or all of the accused persons as the circumstances may allow.
- i. The public prosecutor shall initiate plea bargaining under paragraph (g) where;
  - i. The victim has requested, in writing, the authorized officer to enter into plea bargaining or where the procedure of plea bargaining would be beneficial to the victim such as resulting to quick recovery of the loss sustained, sparing the victim from traumatization during the trial or mitigate the danger of exposing the victim to protection risks;
  - ii. In cases where there has been a financial loss to the Government or any person, if the

- accused has already made restitution or arrangements for restitution or
- iii. The trial would have adverse consequences to victim, witnesses or public.

Provided that the public prosecutor shall not initiate plea bargaining without obtaining approval from authorised officer and, or the DPP.

### **3.0 PLEA AGREEMENT NEGOTIATION**

#### **3.1 General Principles**

In deciding whether to enter into plea bargaining negotiations with the accused, the Authorised Officer shall take into account the following principles:

- i. The need to do justice;
- ii. The need to prevent abuse of legal process, attention being paid to any attempt by the accused to use plea bargaining as a means of delaying prosecution of cases in court;
- iii. Public interest, due regard being paid to the need to balance the interest of the victim and the society, fairness, objectivity, consistency or the impact of plea bargaining to the public or state security.

#### **3.2 PLEA NEGOTIATION PROCESS**

- a. Where the authorised officer has agreed to enter into plea agreement negotiation, he shall:



- i. Consult the relevant investigative agency and or, the victim, about the plea agreement negotiation;
  - ii. Form a team of two or more prosecutors to negotiate the plea agreement; and
  - iii. Keep the records of consultations with the investigative agency and the victim confirming the consultations made.
- b. In order to have efficient and effective plea negotiation, before commencing plea negotiation, the public prosecutor shall do the following:
  - i. Read the criminal case file in order to be conversant with the facts of the case thus being in a better position to negotiate the plea agreement;
  - ii. Prepare and submit to the authorised officer a negotiation plan comprising of issues to be negotiated such as charges proposed to be dropped, proposed sentence, compensation to be paid or proceeds and instrumentalities to be forfeited;
  - iii. Organize the venue of the meeting or negotiation such as court premises, the NPS premises, the investigative agency premises and prison facilities, for inmates; and
  - iv. Consult the investigative agency and, or victim about plea negotiation.
- c. At the commencement of the plea negotiation, the prosecutor shall inform the accused the following:



- i. A letter expressing the intention to enter into plea negotiation;
  - ii. Consultation with the investigative agency and the victim or his legal representative;
  - iii. Meetings of all parties to the plea negotiation;
  - iv. The time and place where plea negotiation or meeting took place;
  - v. Personal circumstances of the accused person such as age, health condition, financial status and other relevant information;
  - vi. Any mitigating and aggravating circumstances including previous records, compensation or restitution made to the victim, period served in custody and initiation of plea bargaining by the accused person.
- f. Before concluding the plea negotiation, the public prosecutor shall seek and obtain approval and consent for plea bargaining from his authorised officer by using **NPS ANNEX I**.

### **3.3. FACTORS TO CONSIDER BEFORE ACCEPTING AN OFFER FOR PLEA BARGAINING.**

- a. The public prosecutor before accepting an offer for plea bargaining, shall, where plea bargaining involves negotiation of counts in a charge, accept the count that will result to adequate compensation to

the victim or mitigate the consequences caused by the criminal conduct to the society;

- b. Where plea bargaining involves negotiation of a sentence, the public prosecutor shall take into account the following consideration:
  - i. The gravity of the offence;
  - ii. Recidivism (offender who repeats offences);
  - iii. Nature and extent of harm, injury or damage caused to the victim or society;
  - iv. Aggravating factors such as high level of planning, organisation, sophistication of the offence, high level of financial profit from the offence, abuse of position of trust and or power;
  - v. Mitigating factors such as previous good character, cooperation with investigative agency after arrest, the minor role played by the offender in the commission of the offence, health condition of the accused, young or old age, compensation or restitution contributed by the accused;
- c. Where plea bargaining involves negotiation of compensation, the public prosecutor shall take into account the following:
  - i. The proposal of compensation made by the victim, where there is an identifiable victim;

- ii. The amount involved in a charge, provided that where the accused offers to pay a less amount than which is stated in a charge, a lesser amount shall not be accepted unless there are reasonable basis, which must be reflected in the minutes of negotiation proceedings, to justify that position;
- iii. Financial circumstances of the accused; and
- iv. The interest of justice, due regard being paid to the fact that compensation should not defeat the ends of justice

### **3.4 TERMINATION OF PLEA NEGOTIATION**

Plea negotiation may be terminated by either party by stating the reasons thereof in writing. The reasons for terminating the plea negotiation may be one of the following:

- a. Death of the accused person;
- b. Lapse of the time required to complete negotiation as provided for under guideline 3.2 (d);
- c. Withdrawal by:
  - i. The accused person upon changing his intention to negotiate.
  - ii. The Public Prosecutor, when it comes to his knowledge that some material facts have been concealed or misrepresented

by the accused person with the intention of misleading the Plea bargaining.

Notwithstanding the provision of Guideline 3(4) above, either party may re-initiate the Plea-bargaining process provided that there are good reasons to do so.

#### **4. CONTENTS OF PLEA AGREEMENT**

- a. Where the public prosecutor and accused, or his representative reach an agreement on the terms of plea bargaining, the public prosecutor shall reduce the terms agreed into writing as the Plea Agreement which shall be signed by the public prosecutor on the one side and accused and, or his representative on the other side.
- b. Where plea bargaining involves compensation to the victim and the victim or his legal representative is involved in the process, the public prosecutor shall ensure the Plea Agreement is signed by the victim or his legal representative;
- c. The Plea Agreement shall substantially conform to Form A set out in the First Schedule to the Criminal Procedure (Plea Agreement) Rules, G.N. No. 180 of 2021 and, depending on the nature of agreement, add specific clauses highlighted in the NPS ANNEX IV.
- d. The Plea shall include, among others:

- i. The charges/counts which have been dropped and those to which the accused has agreed to plead guilty;
- ii. A statement of the facts of the case constituting the offence which the accused has agreed to plead guilty;
- iii. The sentence recommendation proposed to be imposed;
- iv. A clause for payment of compensation or restitution, where applicable, which shall, where compensation is paid in instalments, stipulate that the first instalment shall be not less than fifty percent (50%) of the total amount agreed to be paid;
- v. Forfeiture clause where there are proceeds or instrumentalities of crime;
- vi. Full details of the accused and or his relatives including contacts, place of residence or place of work;
- vii. A clause stipulating legal consequences in case the accused violates terms of the Plea Agreement;
- viii. Where it has been agreed that compensation shall be paid in instalments, a clause requiring the accused to secure outstanding balance by immovable property. The particulars of the property must be clearly stated in the Plea Agreement and the fact that the title in respect

- of that property shall be deposited with authorised officer; and
- ix. Where the plea agreement involves compensation to the victim, a clause requiring the accused to pay compensation directly to the victim.
- e. Where it is agreed that payment of outstanding balance of compensation shall be secured by immovable property, the prosecutor shall ensure an official search is conducted by consulting relevant authorities for purposes of verifying the status of the property before signing of the Plea Agreement.

## **5. NECESSARY DOCUMENTS FOR REGISTRATION OF PLEA AGREEMENT IN COURT**

The Public Prosecutor shall prepare and submit in court at the time of registration of Plea Agreement the following documents:

- i. Consent of the Director of Public Prosecutions or Authorized Officer under section 194C (3) of the Criminal Procedure Act; Cap 20 R.E 2019;
- ii. Consent and Certificate Conferring Jurisdiction of the Director of Public Prosecutions or Authorised Officer, where applicable;
- iii. Written Plea Agreement duly proposed by both parties;



- iv. The facts of the case constituting the offence the accused has agreed to plead guilty and the factual basis of the agreement; and
- v. Amended charge, if any.

## 6. DUTIES OF PUBLIC PROSECUTOR TO COURT DURING PLEA BARGAINING PROCESS

In plea bargaining process, the public prosecutor shall do the following duties:

- i. Ensure the matter is before a court with competent jurisdiction;
- ii. Notify the court on the intention to enter into plea bargaining;
- iii. Update the court on the progress of plea-bargaining negotiations;
- iv. Pray to the court to register the Plea Agreement;
- v. Remind the court to place the accused under oath before requiring the accused to state whether he agrees to the terms and voluntarily entered into plea agreement;
- vi. Pray to the court to substitute a charge, where applicable;
- vii. Read the charge containing counts/offences agreed in the plea agreement;

- viii. Read the facts of the case and remind the court to require the accused himself to state whether the facts are true or not; and
- ix. Upon conviction, pray to the court to issue specific orders to give effect to the terms of plea agreement such as sentence recommendation, compensation, restitution or forfeiture.

## **7. EXECUTION OF TERMS OF PLEA AGREEMENT**

In order to execute the terms of plea agreements, the public prosecutor shall do the following:

- i. Obtain certified copies of court orders and submit them to the authorized officer;
- ii. Make application for restraining orders, where the payment of money is secured by immovable property;
- iii. Make application for warranty of levy where the accused default to effect payments in terms of plea agreements;
- iv. Facilitate the handover or transfer of compensation or restitution amount to the Government, the victim or his legal representative, as the case may be; or
- v. Facilitate the handover or transfer of forfeited properties to the Permanent Secretary Treasury.

## **8. VIOLATION OF THE TERMS OF PLEA AGREEMENT**

Where the accused fails to discharge the terms of plea agreement and measures stipulated under guideline 3.4 cannot be implemented, the public prosecutor shall do the following:

- i. Issue to the accused a written notice in a format prescribed in **NPS ANNEX V** reminding him to discharge the terms of agreement and inform the legal consequences of violation of the terms;
- ii. Charge the accused with offences which were dropped in exchange of plea agreement where the accused continually fails to discharge the terms of agreement after being issued with a written notice in paragraph (i) above.

## **9. SETTING ASIDE CONVICTION AND SENTENCE RELATING TO PLEA BARGAINING**

In cases where conviction and sentence relating to the plea bargaining is procured on the ground of fraud or misrepresentation, the public prosecutor shall:

- i. Apply to the Court which passed the sentence to have the conviction and sentence set aside;
- ii. Apply to the court for the consequential orders issued to be set aside;

- iii. Charge the accused person afresh, where the application to set aside is allowed or;
- iv. Appeal to the Appellate Court, where the application to set aside is dismissed.

## **10. CONFIDENTIALITY OF INFORMATION OBTAINED DURING PLEA AGREEMENT NEGOTIATIONS**

It shall be the duty of the public prosecutor:

- i. To keep confidential all the information obtained during plea agreement negotiations; and
- ii. Not to use information obtained during plea agreement negotiation which does not result in a plea agreement in subsequent proceedings against the accused.

## **11. MONITORING AND EVALUATION**

After the conclusion of Plea-bargaining process, it shall be the duty of:

- a. The Public Prosecutor to;
  - i. File and submit to the authorised officer the necessary documents in respect of plea bargaining such as plea agreement, facts of the case, consent to enter into plea agreement issued by DPP or Authorized Officer, proof of payment where applicable, court order, charge or information or amended charge, where

- applicable, and consent and certificate to prosecute; and
- ii. Prepare a report on the implementation of the terms of plea agreements and submit to the authorised officer.
- b. The Authorised Officer to maintain a register and other records in relation to plea agreements and prepare monthly reports which shall be submitted to the Director of Public Prosecutions, summarizing the following:
  - i. Number of cases resolved by way of plea agreements;
  - ii. Number of accused benefited from plea agreements;
  - iii. Amount of money paid as compensation, restitution and fine;
  - iv. Properties forfeited;
  - v. Challenges observed during plea bargaining process; and
  - vi. Any other relevant issue that may arise in the plea bargaining.

**NATIONAL PROSECUTIONS SERVICE**  
**RECOMENDATION FOR GRANTING CONSENT**  
**TO ENTER PLEA BARGAINING**

1.1. CASE NUMBER;.....OF 20.....

1.2. NAME OF THE ACCUSED; .....

1.3. COURT; .....

1.4. OFFENCES AS PER CHARGE SHEET FILLED IN COURT.

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

1.5. BRIEF FACTS OF THE CASE.

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

1.6. VALUE OF THE SUBJECT MATTER;

.....

1.7. LOSS OCCASSIONED.

.....

1.8. PROCEEDS/INSTRUMENTALITY OF CRIME (IF ANY).

.....  
**1.9. ACCUSED'S COMMITMENT (OFFER).**

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

**1.10. LAW OFFICER/STATE ATTORNEY  
RECOMMENDATIONS.**

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

**1.11. AUTHORISED OFFICER'S ENDORSEMENT.**

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

.....  
**AUTHORISED OFFICER**

**DATE.....**

**CONSENT OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

I, ....., Director of Public Prosecutions in the exercise of powers vested on me by section 194C (3) of the CPA, **DO HEREBY CONSENT** that a **PLEA AGREEMENT** be entered between the Republic and.....and.....who are charged for contravening the provisions of section 302 of the Penal Code, [ Cap. 16 R.E 2019] and section 31 of the Prevention and Combating of Corruption Act, [CAP 329 R.E 2019] read together with paragraphs 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], the particulars which are stated in the charge.

Signed at Dodoma this.....day of .....20....

.....  
**DIRECTOR OF PUBLIC PROSECUTIONS**



**CONSENT OF THE REGIONAL PROSECUTIONS OFFICER/DISTRICT PROSECUTIONS OFFICER**

I, ....., Regional Prosecutions Officer/District Prosecutions Officer of Region/District, **DO HEREBY**, in terms of Section 194 C (3) of the Criminal Procedure Act, [Cap. 20 R.E 2019] and Government Notice No..... of 2022 published on....., **CONSENT** that a PLEA AGREEMENT be entered between the Republic and YAHAYA S/O MNELLE in respect of Economic Case No.....of ..... in the Resident Magistrate's Court of .....at...../District Court of ..... at .....

Signed at .....this \_\_\_\_\_ day of \_\_\_\_\_ 20.

.....  
**REGIONAL PROSECUTIONS OFFICER/DISTRICT PROSECUTIONS OFFICER**

**THE CRIMINAL PROCEDURE ACT,  
(CAP. 20)**

**FIRST SCHEDULE**

(Made under Rule 9 of the Criminal Procedure (Plea Bargaining Agreement) Rules, 2021)

**1 PLEA AGREEMENT FORM**

**IN THE RESIDENT MAGISTRATE'S COURT OF  
DAR ES SALAAM REGION  
AT KISUTU**

**CRIMINAL CASE NO.....OF 2022**

**REPUBLIC**

***VERSUS***

1. ....

2. ....

	of.....20.... which will mark final payment obligation to the accused.
23	Any violation of the terms of this agreement shall amount to a breach of agreement and shall entitle the Director of Public Prosecutions to reinstitute criminal charge that was dropped upon entering this plea agreement.
24	The accused persons acknowledge that any prosecution and sentencing subsequent to a breach of this plea agreement is not barred by the double jeopardy rule or any other provision of the law or rule of a similar nature.
25	In the event that the accused has made advance payment of compensation and given grace period of paying the balance, then he should pay it within the given time as per the schedule of payment, AND if he fails to do so the DPP shall reinstitute the charges that were dropped before and consequently such amount that has been paid earlier as advance payment shall not be refunded whatsoever.
26	In the event that the accused is ordered to pay compensation to the victim in instalments, on the date scheduled for last instalment, the accused must reports to the National Prosecutions Office and submit proof of payment.

## PLEA AGREEMENT

This agreement is entered on this.....day of May, 2022 between DIRECTOR OF THE PUBLIC PROSECUTIONS on behalf of the REPUBLIC and .....and.....herci nafter referred to as the accused.

The accused and prosecutor on behalf of the Republic agree a follow;

1. The accused persons enter into this plea agreement.

1.	Whereas all accused persons have been charged in the High Court of Tanzania, Corruption and Economic Crimes Division for offences of Obtaining Money by False Pretence and Abuse of Position.
2.	Whereas on.....20.....the accused persons above mentioned expressed their intention to the Director of Public Prosecutions to offer a plea of guilty to the offence of obtaining money by false pretence
3.	Whereas the Director of Public Prosecutions, acting on behalf of Republic having accepted and consented to the offer to plead guilty in respect of offence referred in paragraph 2 above has decided to prefer the offence which the accused person is willing to plead guilty.
4.	Accused persons enter into this plea agreement and plead guilty freely, voluntarily, without threat, force, or coercion of any kind without promise or benefit of

	any kind other than as contained in this agreement.
5.	Accused persons knowingly, voluntarily and truthfully admit the facts contained in this agreement.
6.	Accused person agree to plead guilty to the offence of Stealing; Contrary to section 258(1) and 265 of the Penal Code, [Cap 16 R.E 2019].
7.	Accused person understands every element of the offence to which he is pleading guilty, that the maximum potential imprisonment of that offence is imprisonment for a term of seven years, and that the maximum potential fine is: upon courts discretion OR to both fine and imprisonment. The mandatory minimum sentence? Yes: ..... (number of years) No. ....
8.	Victim in this Case? Yes....., No....., If yes, accused agrees that the victim is the.....
9.	Upon acceptance of the agreement by the court and the entry of judgment and sentence, and fulfilment by the accused person of all terms and conditions of the Plea Agreement, the Prosecutor on behalf of the Republic agrees the accused will face no other charges based on fact related to this investigation but only if those facts were known to the prosecution at the time of the prosecution's signing of this plea agreement
10	Accused understands and agrees that this plea agreement is limited to the criminal charges listed here and is not a waiver, settlement or compromise of

	any civil or administrative remedies that may be available to any victim, the government, or any other agency or authority.
11	Accused understand; that they have the right to withdraw from the plea agreement at any stage before the court passes sentence and also the court may for sufficient reasons reject the plea agreement.
12	The accused persons commit that they will keep confidential all the information they obtained or became aware of in the course of the discussion of this Plea Agreement.
13	Accused are represented by an advocate in this case Yes: ..... No. ....
14	That, the accused persons will compensate the victim (mention the victim's name) a tune of ..... being financial loss, they caused to her. (Insert victim's Account Number).
15	Accused understand that they have the following rights: (a) The right to plead not guilty, or having already so pleaded, to persist in that plea; (b) The right to a trial; (c) The right at trial to cross – examine adverse witnesses, to be protected from compelled self – incrimination, to testify and present evidence, and to compel the attendance of witnesses; (d) the right to appeal a sentence.
16	Accused understands that the prosecution has the right in a prosecution for perjury or false statement to use

	against the accused any statement that the accused gives under oath.
17	That, had this matter gone to full trial the prosecution could have proved beyond reasonable doubts that, .....
18	Where the conviction is entered, the court shall proceed to sentence the accused in accordance with the plea agreement notwithstanding the sentence specified by the provisions of the applicable law.
19	Accused understands and agrees that no promises, agreement or condition have been entered into regarding the charges in this case other than those expressly set out in this written plea agreement.
20	The accused persons agree to cooperate fully with the prosecution whenever the need arises particularly regarding other accused persons who are linked in this syndicate as well as giving testimony in court.
21	This is the entirety of the plea agreement Yes: .....No:.....Additional provisions on attached Form 2 Yes: .....No. ....
22	The accused agrees to surrender.....to be forfeited to the government for being proceeds of crime as well as to compensate the victim of crime (mention the amount) within 12 months but will advance Tzs.....upon signing of this agreement and the remaining outstanding balance will be paid later in two equal instalments. The first instalment will be paid on.....day of.....20.....and the second instalment will be paid on.....day

**NATIONAL PROSECUTIONS SERVICES ACT,  
[CAP 430] AND CRIMINAL PROCEDURE ACT,  
[CAP.20 R.E 2019]**

**NOTICE IN RESPECT OF VIOLATION OF TERMS  
OF PLEA AGREEMENT**

TO;

Mr/Mrs/Ms

.....,

P.O Box.....,

**MWANZA.**

**TAKE NOTICE THAT;** The Republic reminds you that, you have violated terms of Agreement entered in respect of Economic/Criminal Case No.....of 20..... In the Resident Magistrate's Court of Mwanza/District Court of Ilemela at Ilemela which was registered before Hon.....and thereupon followed by conviction and sentence thereof.

It was agreed and ordered for you to pay Tanzanian Shillings.....on .....day of.....20.....as stipulated in the clause No.....and Court order dated.....day of.....20.....

**TAKE FURTHER NOTICE THAT,** you are hereby demanded to comply with the plea agreement and court



order dated.....day of.....20.....within fourteen (14) days from the date of receiving this notice, failure of which will compel legal actions to be taken against you without further notice.

Dated at Mwanza this.....day of.....20.....

.....

**DPP/AUTHORISED OFFICER**

