



THE UNITED REPUBLIC OF TANZANIA
THE NATIONAL PROSECUTIONS SERVICE
(NPS)

**GUIDELINES ON INTER-AGENCY
COOPERATION, COLLABORATION AND
COORDINATION IN THE INVESTIGATION
AND PROSECUTION OF MONEY
LAUNDERING, TERRORISM AND
TERRORISM FINANCING**

MAY, 2023

**GUIDELINES ON INTER- AGENCY
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COORDINATION IN THE INVESTIGATION
AND PROSECUTION OF MONEY
LAUNDERING, TERRORISM AND
TERRORISM FINANCING**

FOREWORD

The offences of Money laundering, Terrorism and Terrorism Financing (ML, T and TF) are serious crimes which pose many challenges that affect the socio-economic development as a whole. Moreover, these crimes adversely affect both the national and the international economy, peace and security. It is therefore imperative to have in place strong mechanisms and tools for effective cooperation, collaboration and coordination in the fight against such crimes. In this regard, these guidelines have been developed to provide a framework and a model for cooperation, collaboration and coordination among agencies tasked with Anti Money Laundering (AML), Counter Terrorism (CT) and Counter Financing Terrorism (CFT) obligations.

These guidelines among other things aim at bringing the AML, CT and CFT stakeholders to work together, cooperate and coordinate their

efforts in line with the best practices and International Standards on AML, CT and CFT as adopted by the Financial Action Task Force (FATF) in 2012 (updated February, 2023). The FATF Standards make it clear that, the cooperation, collaboration and coordination of authorities responsible for overseeing AML, CT and CFT compliance is an essential part of an effective AML, CT and CFT regime.

I urge all agencies working in the field of AML, CT and CFT detection, investigation and prosecution to use and adhere to these guidelines in order to improve the effectiveness of existing AML, CT and CFT systems.



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Sylvester A. Mwakitalu
DIRECTOR OF PUBLIC PROSECUTIONS

ACKNOWLEDGEMENT

The development of these guidelines involved various actors in the AML, CT and CFT regime. On behalf of all stakeholders, I wish to acknowledge the financial and technical support given by the European Union Anti Money Laundering and Counter Financing Terrorism Eastern Southern, Central Africa and Yemen (EU AML/CFT ESCAY) project in developing these guidelines. In this regard, I wish to express special gratitude to the Project Director, Mr. Frederic Bayard and Senior Technical Advisor, Ms Alma Aloo Wanyama and the entire EU AML/CFT ESCAY project team for their support throughout the process.

I wish also to thank the AML, CT and CFT stakeholders who participated in developing these guidelines namely the President Office-Cabinet Secretariat, National Prosecution Services, Tanzania Police Force, National Counter Terrorism Centre, Financial Intelligence Unit, Regulatory Authorities,

Prevention and Combating of Corruption Bureau, Business Registration and Licensing Agency, Tanzania Revenue Authority, Registrar of Societies, Registrar of Non-Governmental Organizations, Tanzania Immigration Services Department, Tanzania Prisons Services, Capital Market and Securities Authority, Bank of Tanzania, Drugs Control and Enforcement Authority, National Council of Non-Governmental Organizations and the Office of the Director of Public Prosecutions Kenya.

Moreover, my special thanks should go to the senior experts from each agency that participated in developing these guidelines for their invaluable contributions in the three weeks' period that saw the coming to being of these guidelines. In particular, I wish to recognize Mr. Oswald H. Tibabyekomya (NPS), Faraja M. Nchimbi (NPS), Jackson D. Nyambabe (TPF), Goyayi M. Goyayi (TPF), Seleman E. Nyakulinga (TPF), Einstern A. Mwankupili (CS), Exaut Julius (CMSA), Shedrack M. Kimaro (NPS), Christopher J.

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A handwritten signature in blue ink, appearing to read 'Joseph S. Pande', is written over a horizontal dotted line.

Joseph S. Pande
**DEPUTY DIRECTOR OF PUBLIC
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AML, CT AND CFT STAKEHOLDERS COMMITMENT

These guidelines have been developed by the Director of Public Prosecutions in collaboration with AML, CT and CFT stakeholders who have appended their signatures below.



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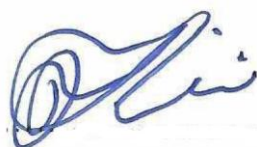
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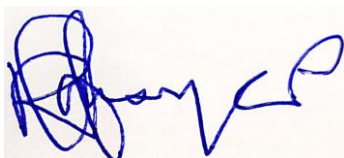
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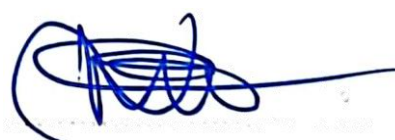
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LIST OF ABBREVIATION

AML	Anti Money Laundering
CFT	Combating of Financing of Terrorism
CT	Counter Terrorism
DPP	Director of Public Prosecutions
DPO	District Prosecutions Officer
FATF	Financial Action Task Force
FIU	Financial Intelligence Unit
FT	Financing Terrorism
LEAs	Law Enforcement Agencies
ML	Money Laundering
NCTC	National Counter Terrorism Centre
NGOs	Non-Governmental Organizations
NPOs	Non-Profitable Organizations
NPS	National Prosecutions Service
PCCB	Prevention and Combating of Corruption Bureau
RPO	Region Prosecutions Officer
T	Terrorism
TPF	Tanzania Police Force
POTA	Prevention of Terrorism Act
URT	United Republic of Tanzania

DEFINITION OF KEY CONCEPTS

In these guidelines unless the context requires otherwise the following terms shall mean:

Investigating officer an officer assigned to investigate a case and include officer in-charge of the investigation at District or Regional level.

Lead Agency the agency that has the primary mandate in an investigation of cases involving money laundering, terrorism, financing terrorism and other predicate offences that may involve other Law Enforcement Agencies.

Officer in-charge of a Police Station has a meaning ascribed to it under section 2 of the Criminal Procedure Act, Cap 20.

Public Prosecutor	has a meaning ascribed to it under section 3 of the National Prosecutions Service Act, Cap 430.
Regulators	has a meaning ascribed to it under section 3 of Anti-Money Laundering Act, Cap 423.
State Attorney	has a meaning ascribed to it under section 3 of the National Prosecutions Service Act, Cap 430 and section 3 of Office of the Attorney General (Discharge of Duties) Act, Cap 268.
Stakeholders	includes Government Ministries, Independent Government Departments and Agencies, the Private Sector, Companies, the General Public, Non-Profitable Organizations, the National Council for Non-Governmental Organizations and any other

persons or agencies dealing with money laundering, terrorism, Financing of terrorism and other predicate offences.

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PART I

1.0 Introduction

Inter-agency cooperation, collaboration and coordination in the investigation and prosecution of money laundering, terrorism and terrorism financing is a mechanism that brings together different government agencies and other stakeholders to join efforts, resources, decision making and share ownership of the final goal to curb such crimes. This mechanism occurs on multiple levels, from frontline collaboration among Law Enforcement Agencies (LEAs), Security Agencies and the National Prosecutions Service as well as other public and private sector such as Ministries, Departments, Agencies and Non-Profitable Organizations (NPOs).

In addition to national actors, inter-agency collaboration can involve regional and international agencies vested with

responsibilities to curb money laundering, terrorism, terrorism financing and other transnational organized crimes under the auspices of the United Nations and regional organizations. The Financial Action Task Force (FATF) as an International standards setter, requires United Nations member states to establish effective mechanisms for enabling cooperation and where appropriate to coordinate and exchange information domestically amongst stakeholders concerning the development and implementations of policies and activities to combat money laundering and terrorism financing.

Therefore, in accordance with the obligations under the United Nations, FATF recommendations and the need to complement the existing legal framework, the DPP in collaboration with other stakeholders developed these guidelines so as to bridge the gaps created by multiple legal instruments, improve coordination, harmonize mandates and organizational cultures and strengthen

effective communication and information sharing among stakeholders.

The guidelines provide a framework and a model for cooperation, collaboration and coordination between agencies tasked with AML, CT and CFT obligations basing on their primary laws governing the mandate and operations of each of the agency.

These guidelines are divided into three parts. Part I covers introduction that presents the scope and objectives of the guidelines, intended users, definition of key concepts and the guiding principles. Part II covers operative guidelines that encompass intelligence management, counter terrorism response, investigation, evidence and asset management, witness protection and management, prosecution, community engagement and international cooperation. While, part III covers general provisions that present implementation mechanisms,

feedback, review and the commencement of the guidelines.

1.1 Scope and Objectives

1.1.1 Scope

These guidelines shall apply to various AML, CT and CFT stakeholders and the general public to promote effective and efficient investigation and prosecutions of Money Laundering, Terrorism and Financing Terrorism. The guidelines ensure effective inter-agency cooperation, collaboration and coordination in relation to exchange of information, counter terrorism response, investigation and prosecutions.

1.1.2 Objectives

The main objective of these guidelines is to promote effective inter-agency cooperation, collaboration and coordination among AML, CT and CFT stakeholders on investigations and prosecutions of money laundering, terrorism and terrorism financing cases. These guidelines specifically guide for: -

- (i) Effective sharing of information among AML, CT and CFT stakeholders;
- (ii) Enabling the National Prosecution Service to coordinate investigation of money laundering, terrorism and terrorism financing;
- (iii) Monitoring operational issues of money laundering, terrorism and terrorism financing investigation and prosecutions;
- (iv) Engaging the public to effectively participate in preventions and enforcement of money laundering, terrorism and terrorism financing measures;
- (v) Accountability, efficiency and expeditiousness in the investigation and prosecution of AML, CT and CFT; and
- (vi) Providing a framework for joint trainings and capacity building within and among the agencies.

1.2 Intended users

The intended users of these guidelines are stakeholders responsible for combating money laundering, terrorism and terrorism financing such as Law Enforcement Agencies, the National Prosecutions Service, Financial Intelligence Unit, National Counter Terrorism Centre, Supervisors and Regulators, Self-regulatory bodies, Registrar of Companies, Registrar of Societies and Registrar of Non-Governmental Organizations.

1.3 Guiding Principles

Cognizant of applying a whole-of-government approach in the spirit of cooperation, collaboration and coordination, the investigators, prosecutors and other stakeholders when implementing their duties and responsibilities on AML, CT and CFT shall be guided by the following key principles; -

1.3.1 Patriotism

Feeling of love, devotion, sense of attachment and commitment to the URT that ensures safety, security and national natural resources are protected and used for the nation benefit.

1.3.2 Accountability

An obligation or willingness to accept responsibilities or to account for one's actions.

1.3.3 Professionalism and integrity

Demonstrate the sense of responsibility, using skills, knowledge and expertise by adhering to moral and ethical principles.

1.3.4 Fidelity to the law and shared responsibility

Being faithful and loyal to the laws of the United Republic of Tanzania knowing that, the fight against ML, T and FT is a collective obligation.

1.3.5 Respect for Human Rights

It is an obligation to the investigators, prosecutors and stakeholders to comply with human rights standards envisaged in the Constitution and the laws of URT as well as ratified International instruments.

PART II

2.0 Operative Guidelines

2.1 Information Management

Without prejudice to any statutory obligations on the disclosure of information, LEAs, FIU, Regulators, other Stakeholders and the general public shall have a duty to share information or data available on ML, T and FT.

2.1.1 In discharging the above obligation, each agency shall: -

- (i) Appoint a focal person who is senior officer at management level for efficient information sharing.
- (ii) Upon noticing suspicion of any activities or transactions related to use, possession or control of financial or asset that is linked to ML, T and FT, relevant stakeholder through focal person shall without delay, ensure the following;

- a) Proactively report on suspicious activities or financial transaction or behaviour to relevant law enforcement agency.
- b) Formally, file a written report with FIU for analysis and disseminations where the need arises.
- (iii) Keep secrecy and confidentiality of information or data received or shared.
- (iv) Submit the information or data requested immediately upon receipt of the request.
- (v) Maintain the system for data storage and safety.
- (vi) Take initiatives to integrate information management systems to ease information sharing including but not limited to enable direct access to information among them.
- (vii) Ensure the general public or other stakeholders upon noticing suspicion related to any activities or transactions related to use, possession or control of financial or asset or unusual behaviour

that is linked to ML, T and FT report without delay to Law Enforcement Agencies or to the person who has authority within the locality.

2.1.2 Sharing of information or data under these guidelines shall not preclude the obligations of reporting persons to report to the FIU as required by the law.

2.2 Counter Terrorism Response

Law enforcement agencies in collaboration with other stakeholders while implementing CT and CFT measures shall;

- (i) Ensure expeditious response to terrorism threat, including the following measures:
 - a) Timely sharing of intelligence information threats with relevant stakeholders.
 - b) Undertaking immediate intervention, disruption and prevention of terrorism and financing terrorism activities.

- (ii) Form multi agencies operations while implementing item (i) above where necessary, by;
 - a) Including different LEAs and stakeholders responsible on the investigation and prosecution of T and FT.
 - b) Tanzania Police Force (TPF) being the lead agency as provided for under Part V of POTA take responsibility for tracing, identification, seizure and storage or preservation of evidential of the collected evidence, exhibits and assets.
- (iii) Consult the National Counter Terrorism Center (NCTC) during implementations of items (i) and (ii) above where necessary.

2.3 Investigation

The investigation mandates of ML, T and FT crimes are vested to Tanzania Police Force (TPF) and other Law Enforcement Agencies while the coordination of investigation is

vested to DPP. When conducting investigations, the following shall be observed:

- (i) Financial intelligence information is effectively used to identify and trace assets and collect evidence for prosecutions purposes.
- (ii) Financial intelligence information is analyzed to identify wide range of serious crimes.
- (iii) Financial intelligence and other relevant information to support ML, T, FT and predicate offences investigation is requested from FIU.
- (iv) Early engagements of the designated State Attorney or Public Prosecutor for the purposes of guiding or leading the investigations.
- (v) Conduct joint investigation where needs arises by;
 - a) Including different LEAs and stakeholders responsible for the investigation and prosecution of ML, T and FT.

- b) Where investigation involves T and FT, the lead agency shall be TPF and adhere to paragraph 2.2 (ii) (b) of these guidelines.
 - c) Where the investigation involves ML whose predicate offence does not include T and FT, the protection of evidential value of evidence, exhibits or assets shall be the responsibility of a relevant lead agency depending on the arrangements of LEAs and stakeholders involved in the investigation.
- (vi) Parallel financial investigation is carried out in accordance with Part I guideline 4.0 of the Standard Operating Procedures for Investigation and Prosecution of Corruption and Related Offences, May 2022.
 - (vii) The pre and post - arrest conferences are held involving State Attorney or Public Prosecutor and any other relevant stakeholder.

- (viii) Search and seizure is properly conducted in accordance with the law by considering among others; hours between sunrise and sunset, a written authorization is obtained from the relevant authority, presence of independent witnesses, if possible video recording, a woman to be searched by another woman and issue a proper signed seizure certificate listing all items seized with unique features.
- (ix) In case of emergency situations, search may be conducted without written authorization of officer in-charge of a Police station. In all search conducted, the search officer shall issue copy of certificate of seizure to the person searched.
- (x) Where a search and seizure is effected by multi agencies, the officer from a lead agency is in-charge and execute such search and seizure.
- (xi) The chain of custody is maintained as to how the evidence was discovered,

gathered, stored, presented to the court and be reduced to few persons as possible.

- (xii) Conduct witness and suspects' interview and recording their statements in compliance with the procedures prescribed by the laws.
- (xiii) Where circumstances dictate, the investigating officer seek expert opinion to support the on-going investigation such as mental health, handwriting, ballistic, Deoxyribonucleic Acid (DNA), cyber and digital evidence.

2.4 Evidence and Assets Management

Successful investigation and prosecution of ML, T and FT cases depends on the effective handling of the evidence and evidential value as well as proper management of exhibits and assets. In this regard, LEAs together with NPS shall ensure the following;

- (i) The exhibits and assets are traced and identified at the earliest stage of investigation.

- (ii) Assessment of types and nature of the exhibits or assets in relation to volatility nature for preservation purposes.
- (iii) Proper measures are taken without delay to protect the evidential value of the exhibits or assets assessed as per item (i) and (ii) above.
- (iv) Compliance with relevant laws and guidelines in tracing, identifying and preserving exhibits or assets.

2.5 Witness Protection and Management

In handling ML, T and FT cases the issues relating to witness protection and management shall be paramount. In this regard, LEAs together with NPS shall ensure the following;

- (i) The anonymity and non disclosure of the identity of the witness from the earliest stage of investigation.
- (ii) Identification of vulnerable witnesses and assessment of types of threats they face to determine the level of risk using relevant laws and guidelines
- (iii) Proper measures are taken to mitigate

the risk identified as provided under witness protection laws, guidelines and circulars.

- (iv) Preparation of relevant opinion or report on the implementation of (i) (ii) and (iii) above is submitted to the DPO or RPO.
- (v) Application for witness protection measures is made in court within 30 days from discovery.

2.6 Prosecutions

The DPP, RPOs, DPOs and Public Prosecutors In-charge while discharging their duties in relation to investigations and prosecutions of ML, T and FT shall ensure;

- (i) Upon receipt of the information from the Police or any other LEAs on the occurrence of a criminal act, a State Attorney is appointed to guide and coordinate the ongoing investigation.
- (ii) The appointed State Attorney in collaboration with the investigating officer develop an investigation plans to guide the investigation.

- (iii) The State Attorney guides the collection of evidence to comply with all the procedures that enable admissibility of the evidence.
- (iv) Where the circumstances require special arrangements for protection and management of witnesses, the State Attorney and LEAs prepare such arrangements in accordance with the law.
- (v) The State Attorney timely report to the DPP, RPO or DPO on the ongoing investigation for guidance and directives.
- (vi) Upon receipt of the investigation file from LEA, without delay thoroughly read the substance to determine if the evidence available suffices to prove the allegation.
- (vii) If the investigation file was not coordinated by State Attorney, and upon noting deficiencies in the collected evidence;
 - (a) Convene a meeting with investigating officer(s) to work upon

- the deficiencies.
- (b) Ensure the collected evidence is in compliance with all the procedures to enable its admissibility.
 - (viii) If satisfied that the circumstances warrants prosecution of the suspect, make a decision to charge basing on evidence, public interest and relevant DPP's directives.
 - (ix) The assigned State Attorney prosecutes the case in accordance with the laws and relevant guidelines issued by the DPP.
 - (x) Meetings are regularly convened to discuss, determine and deliberate on the trends of the ongoing prosecution.
 - (xi) Where necessary the State Attorney applies to the court for respective ancillary orders in accordance with the law.
 - (xii) In-case of acquittal or discharge of the accused, the State Attorney take all necessary measures including communicating to the relevant LEA

that information.

- (xiii) All necessary measures are taken in execution of court orders including communicating the said orders to the relevant authorities.

2.7 Community Engagement

The community has a remarkable role to identify criminals, support intelligence information gathering and implementing prevention measures in relation to AML, CT and CFT. All agencies and stakeholders such as local leaders, religious leaders and Non-Profitable Organizations when implementing these guidelines shall engage the community by;

- (i) Implementing awareness creation programs as provided under the Tanzania National Strategy for Prevention of Radicalization and Violent Extremism (2021/22-2025/26).
- (ii) Enhancing the capacity of community policing systems aiming at identifying

red flags for ML, T, FT and other related offences.

- (iii) Cooperating in assessment of threats and vulnerability and take appropriate measures to prevent ML, T and FT.
- (iv) Engaging professional groups such as Community Development Officers, Social Welfare Officers and Medical Doctors for prevention and rehabilitation programs.

2.8 International Cooperation

International cooperation is one of the key pillars availed by the international and regional communities to support Global Agenda in investigation and prosecution of ML, T and FT. The implementations of these guidelines shall require;

- (i) Stakeholders and NPS to informally consult their counter parties in exchange of information related to their ongoing investigations.
- (ii) Stakeholders and NPS to take all necessary initiatives to request and

- exchange information relating to investigation of ML, T, FT and related predicate offences.
- (iii) LEAs and NPS in cooperation with the Ministry of Constitution and Legal Affairs to request for or assist in the exchange of suspects with other jurisdictions.
 - (iv) Without prejudice to (i) (ii) and (iii), Agencies to observe that information relating to terrorist, terrorist groups and terrorist acts is shared by Inspector General of Police or Commissioner of Police as provided for in the Prevention of Terrorism Act.
 - (v) LEAs and NPS when confronted with issues related to designated groups or persons and funds or assets of the designated group or persons as proclaimed under Resolutions 1267 and 1373 of the United Nations Security Council shall adhere to the requirements of The Prevention of Terrorism (General) Regulations, G.N 379 of 2022.

PART III

3.0 General Provisions

3.1 Implementation Mechanism

The DPP shall oversee the implementation of these guidelines, in so doing shall ensure LEAs and relevant stakeholder;

- (i) Appoint focal persons within 30 days from the date of issuance of these guidelines.
- (ii) Undertake joint trainings and capacity building within and among LEAs and stakeholders on ML, T and FT.
- (iii) Undertake capacity building relating to the implementation of these guidelines.
- (iv) Participate in a joint assessment of the implementation of these guidelines.

3.2 Respect for Human Rights

LEAs and other stakeholders are duty bound at ensuring AML, CT and CFT measures are in compliance with human rights standards. In addition, during the capacity building and

sensitization programs, all LEA's and stakeholders shall incorporate human rights standards.

3.3 Feedback

LEAs and stakeholders are duty bound to provide time to time feedback on AML, CT and CFT to each other for promoting sustainable cooperation, collaboration and coordination.

3.4 Review of the Guidelines

The review of these guidelines may be affected at any time where there are substantial changes in the laws, regulations, international standards or if the circumstances so require.

3.5 Commencement

These guidelines shall come into operation from the date of signing.

Signed at Dodoma this.....day of May, 2023

