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**Review of implementation of the United Nations
Convention against Corruption**

Executive summary

Note by the Secretariat

Addendum

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II. Executive summary

United Republic of Tanzania

1. Introduction: Overview of the legal and institutional framework against corruption of the United Republic of Tanzania in the context of implementation of the United Nations Convention against Corruption

Tanzania signed the Convention on 9 December 2003 and ratified it on 25 May 2005. The implementing legislation includes the Prevention and Combating of Corruption Act (PCCA), the Penal Code, Criminal Procedure Code, Anti-Money Laundering Act, Proceeds of Crime Act (POCA), Economic and Organized Crime Act, Evidence Act, Prisons Act, Extradition Act, Mutual Assistance in Criminal Matters Act (MACMA) and Transfer of Prisoners Act. However, much of the legislation is not applicable in Zanzibar, where an anti-corruption body and separate anti-corruption and money-laundering legislation exist. The implementation of the Convention in Zanzibar could not be reviewed and no meetings were held with Zanzibari authorities.

Tanzania is a member of the Eastern and South African Anti-Money Laundering Group (ESAAMLG) and has observer status in the Egmont Group. Tanzanian law enforcement authorities cooperate through the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO) and the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO). The Prevention and Combating of Corruption Bureau (PCCB) is a member of the East African Association of Anti-Corruption Authorities (EAAACA).

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

Tanzania has criminalized the bribery of national public officials (Section 15, PCCA). The offence is based on a principal-agent relationship and prohibits any “advantage” in relation to a principal’s affairs or business. The offence does not include gifts or benefits given to a public official without undue influence, but any advantage must be offered, given or received “corruptly”.

Tanzania has also criminalized the bribery of foreign public officials and officials of public international organizations (Section 21, PCCA) and trading in influence (Section 33, PCCA). However, no cases were reported.

Bribery in the private sector is also addressed by Section 15 of the PCCA. No cases have been prosecuted, though allegations have been received. Tanzanian officials reported that the penalties for bribery (public and private sectors) were considered to be lenient.

Money-laundering, concealment (arts. 23 and 24)

Money-laundering is criminalized in Section 12, Anti-Money Laundering Act, Section 34, PCCA, Sections 71-72, POCA and Section 311, Penal Code in accordance with United Nations Convention against Corruption article 23(1).

However, not all United Nations Convention against Corruption offences constitute predicate offences for money-laundering. The FIU in mainland Tanzania is empowered to implement Zanzibar's anti-money-laundering legislation.

Concealment is legislatively addressed (Section 34, PCCA) and cases have been prosecuted under this section.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

Embezzlement is partially criminalized in Sections 28 and 29, PCCA. Section 29 is limited to acts where property is diverted to another person or agent than the public official himself. Moreover, the third party benefit is not covered by Section 28.

Tanzania has criminalized the abuse of functions in Section 31, PCCA and Sections 94 and 96, Penal Code.

Tanzania has a range of legal measures to pursue unexplained wealth. Illicit enrichment is criminalized in Sections 26 and 27, PCCA and is a strict liability offence. Illicit enrichment cases were under investigation at the time of review. Asset declarations are required for public officials under the Public Leadership Code of Ethics Act and for PCCB officials under Regulation 28, PCCA Regulation 2009. At the time of the review, no declarations had been verified.

Embezzlement in the private sector is criminalized in Sections 28(2)-(4) and 29, PCCA and Section 314, Penal Code. There have been few cases under the PCCA because these cases are investigated under the Penal Code by the police and prosecuted by the Director of Public Prosecutions (DPP).

Obstruction of justice (art. 25)

Measures penalizing obstruction of justice are Sections 108-111 and 114A, Penal Code and Sections 52 and 36, PCCA. These measures prohibit the use of force, threats or intimidation to prevent a witness from appearing and giving evidence but do not cover such acts where the witness appears but gives false testimony. Moreover, the cited laws are limited to interference with the service of a summons (Penal Code) and false pretence to be a PCCB officer (PCCA).

Liability of legal persons (art. 26)

Criminal liability attaches to legal persons and is independent of the liability of natural persons; however, no cases have been reported. Limited information was available on penalties applicable to legal persons and their representatives.

Participation and attempt (art. 27)

The liability of accomplices, assistants or instigators is addressed in Sections 22, 23, 384 and 390, Penal Code and Sections 30 and 32, PCCA. Penal Code measures on participation and attempt cannot be used to prosecute persons for PCCA offences.

The attempt to commit a crime is generally punishable as a misdemeanour in accordance with Sections 380-381, Penal Code. The preparation for an offence does not appear to be covered.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

Tanzania has established sanctions for corruption offences that take into account the gravity of the offence. However, minimum penalties are only in place for Sections 15 and 16 of the PCCA. Most PCCA offences carry a maximum penalty of seven years imprisonment and are not eligible for parole. Section 4 of the Parole Board Act provides that a person must inter alia be sentenced to eight years or more imprisonment to be eligible for parole.

Cases are decided on the gravity of the offence, depending on circumstances, and can include additional penalties of asset forfeiture and prohibition from holding public office.

The President has immunity from all criminal and civil proceedings during his tenure but may be removed from office through impeachment by the National Assembly (Article 46, Constitution). Immunities exist for judicial officers and officers of the PCCB for acts or omissions in the bona fide exercise of their functions; however, these are not absolute. Magistrates have been convicted of corruption and can be removed from office by the Judicial Services Commission.

The PCCB has jurisdiction to prosecute cases under Section 15, PCCA without the consent of the DPP. For all other cases, the consent of the DPP is required. The decision to prosecute is taken by the DPP without external interference (Section 11, Prosecution Services Act). An aggrieved complainant may challenge a decision not to prosecute. Reviewers noted that if the prosecution powers of the PCCB were extended, some form of external oversight would be needed. Prosecution guidelines exist for State Attorneys, prosecutors and the PCCB.

Under the Public Service Regulations 2003, offences involving corruption are both criminal and disciplinary. Regulation 37 permits the disciplinary authority to remove any public servant suspected of a disciplinary offence, including corruption, pending the outcome of an investigation. A public servant charged with an offence may also be interdicted. Public servants convicted of criminal offences involving moral turpitude cannot be re-appointed without prior sanction of the Chief Secretary.

Legal measures are in place to protect those who have knowledge of the commission of an offence (Sections 51(3) and 39, PCCA). Officials reported that Section 52(1-4), PCCA could protect persons who provide substantial cooperation, though it does not specifically address cooperating defendants. Immunity from prosecution may be provided by the PCCB (Sections 45 and 51, PCCA) or the DPP to cooperating defendants and consultations are underway to adopt a plea bargaining system. Mitigated punishment is available at the courts' discretion to cooperators before they participate in a criminal act. The whistle-blower legislation that is under consideration would provide protections to cooperating defendants.

Protection of witnesses and reporting persons (arts. 32 and 33)

The PCCA has limited legislative protections for witnesses and informants. However, a number of practical measures may be taken during court processes, including "in camera" hearings and testimony by videoconference. Tanzania has no

witness protection programme, although witness fees are paid by the PCCB. The PCCB has taken action in cases of reprisal against witnesses and whistle-blowers.

Limited whistle-blower protections exist under Section 52(2), PCCA and Section 7, Criminal Procedure Code. Efforts are underway to enact relevant legislation.

No specific measures protect victims of corruption. Enhanced protections for reporting persons, witnesses and victims are under consideration in Tanzania, subject to resource constraints.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

Tanzania has a comprehensive conviction-based forfeiture system. The confiscation of criminal proceeds is regulated by Section 40, PCCA and Sections 9 and 14, POCA. Provisions on pecuniary penalty orders (Part III, POCA) allow for property of an equivalent value to be forfeited. The definition of tainted property in the POCA, unlike the PCCA, includes instrumentalities used in or in connection with the commission of an offence. Measures are in place in the PCCA and POCA to enable the identification, tracing, freezing or seizure of proceeds and instrumentalities. The administration of frozen, seized or confiscated property is addressed in Section 35, POCA and Sections 41-43, PCCA.

A court order is not necessary for the PCCB to investigate and access bank records (Sections 8(5)(b) and 12, PCCA). The FIU can also obtain bank records at the request of law enforcement authorities. Bank secrecy does not impede investigations.

Statute of limitations; criminal record (arts. 29 and 41)

Tanzania has no statute of limitations for corruption offences.

There is no law addressing the admissibility of foreign criminal convictions.

Jurisdiction (art. 42)

Tanzania has not extended jurisdiction over United Nations Convention against Corruption offences to Zanzibar. The non-mandatory provisions of article 42 are not clearly addressed.

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

A system of blacklisting and debarring companies convicted of corruption exists (Section 57, Public Procurement Act).

No measures were reported to ensure that persons who suffered damage as a result of corruption have the right to initiate legal proceedings.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

The PCCB's mandate is defined in Section 7 of the PCCA and operational independence is established under Section 5(2). The Director-General has no security of tenure and there is no vetting of the position by parliament, as it is a Presidential appointment with reporting to the President. The PCCB adopts a three-prong approach of prevention, public awareness, investigation and prosecution of offenders. The PCCB has an independent scheme of service in recruitment and

training of staff, as per Section 6(3), PCCA. Other relevant institutions include the DPP, police and the FIU.

Institutional cooperation is addressed in Sections 45 and 11(3), PCCA, and various measures are taken to enhance collaboration. The FIU executes requests for information from law enforcement agencies, including the PCCB, and refers matters for further investigation.

Public officials and members of the public have a duty to report corruption (Section 39, PCCA). Reports can be made anonymously and rewards may be offered. Cooperation with the private sector is addressed in Section 46, PCCA.

2.2. Successes and good practices

Overall, the following successes and good practices in implementing Chapter III of the Convention are highlighted:

- Extensive outreach and awareness raising by the PCCB and other institutions on anti-corruption in communities.
- The absence of a statute of limitations for corruption offences.
- The requirement that every public institution have an anti-corruption strategy as a condition to receiving public funds, and the existence of ethics committees in all institutions.
- The reviewers positively noted the blacklisting system and suggest adopting a monitoring mechanism to ensure consistent case referrals to licensing authorities.
- The reviewers positively noted the following practices:
 - Extensive consultations to develop the third National Anti-Corruption and Action Plan (NACSAP III).
 - The number of PCCB offices throughout the country, including presence in all districts and prosecutors operating in all 26 regions.
 - The use by the PCCB of lawyers or prosecutors as case controllers for all investigative teams to ensure that legal advice is obtained at an early stage of the investigative process.
 - PCCB's targets for grand and petty corruption cases.
 - Extensive training programmes for PCCB staff.
 - Police-instituted welfare reforms, including housing, health insurance and electricity allowances.

2.3. Challenges in implementation

The following steps could further strengthen existing anti-corruption measures:

- Review and amend legislation in relation to jurisdiction in accordance with United Nations Convention against Corruption article 42 and extend jurisdiction over United Nations Convention against Corruption offences to all territories of Tanzania, including Zanzibar.

- Consider legislative amendments or policy guidance to address the risk of jurisdictional and institutional overlap under the PCCA and Penal Code.
- Clarify the term “vested interest” in the definition of “public body” in the PCCA.
- Consider legislative amendments to remove the agency concept from the definition of bribery.
- Amend legislation on embezzlement in line with article 17 of the Convention.
- Develop a system to review income and asset declarations in a structured manner and amend forms to ensure that any controlling or beneficial interests are recorded.
- Consider transferring responsibility for cases under article 22 to the PCCB.
- Include all United Nations Convention against Corruption offences as predicate offences for money-laundering and consider simplifying the process for listing predicate offences.
- Explicitly cover predicate offences committed outside Tanzania and clarify whether a domestic predicate offence requires a conviction.
- Monitor the evidentiary standard required to prove intent in relation to both money-laundering and predicate offences, and consider consolidating various legislative provisions.
- Furnish copies of money-laundering legislation to the United Nations.
- Amend the legislation on obstruction of justice in line with article 25.
- Consider clarifying the legislation in relation to acts of preparation, rather than attempts of corruption.
- Consider pursuing legal persons as well as their representatives in corruption cases.
- Review applicable penalties and fines to determine if sanctions and sentences are sufficient to deter natural and legal persons from engaging in acts of corruption, and consider necessary legal amendments in light of actual sentences imposed.
- Encourage closer collaboration between the PCCB and the DPP and enhance coordination between disciplinary bodies and the PCCB.
- Ensure consistency in disciplinary cases, taking into account the criminal case, and provide oversight over disciplinary cases outside the purview of the Public Service Commission.
- Review the system on re-integration of prisoners into society with a view to strengthening existing measures.
- Utilize existing legislation to pursue criminal cases to the fullest extent, while exploring the adoption of non-conviction based forfeiture legislation.
- Cover instrumentalities “destined for use” in criminal acts in the PCCA and consider expanding the use of compulsory hearing powers to freeze and trace assets.

- Strengthen operational measures to regulate the administration of frozen, seized or confiscated assets, and consider establishing a specialist department or team to manage such property.
- As a matter of priority for all criminal justice institutions, extend protections to all witnesses, experts, victims and whistle-blowers and to the periods before, during and after proceedings; also, sensitize officials as to available protections and consider conducting regular, formal witness vulnerability assessments, building on international best practices. Application of protections to cooperating defendants should be ensured.
- Ensure that physical protection, anonymity and other measures are applied equally to victims, and that they are given opportunity to present their views during criminal proceedings.
- Enact whistle-blower legislation that does not duplicate existing measures and takes into account the scope of covered offences; consider mechanisms to enable complaints to be made and for the review of such complaints.
- Strengthen the independence of the PCCB and consider establishing a “constitutional anchor”. Amend the PCCA to specify the appointment, removal and specific term of the Director-General and other senior executives.
- Although PCCB’s Code of Conduct is enforceable and an internal control unit has been established, strengthen internal controls and enforcement of the Code.
- Consider establishing a specialist court or unit in the judiciary for anti-corruption and possibly other complex crime, consider adopting sentencing guidelines for corruption cases, and explore the feasibility of a plea bargaining scheme.
- Further strengthen inter-agency coordination by developing guidelines and MOUs to clarify roles and develop mechanisms for information sharing. The PCCB should be informed of all investigations undertaken into police corruption.
- Undertake an outreach programme to the private sector to encourage increased reporting and community education on corruption in the private sector.

2.4. Technical assistance needs identified to improve implementation of the Convention

The following forms of technical assistance could assist Tanzania in more fully implementing the Convention:

- A comprehensive needs assessment, in coordination with relevant stakeholders and cooperation partners, to determine priority areas for law reform, capacity-building, training, awareness-raising and enhancement of inter-agency coordination.
- A quality assessment in respect of specific cases to identify key areas where investigative and prosecutorial capacity-building is most needed, taking into account the resource capability and technical skills of judges, prosecutors and investigators. Capacity-building should cover all relevant criminal justice

institutions, including the judiciary, with a specific focus on institutions tasked with anti-money-laundering, financial investigations and prosecutions.

- A more comprehensive case planning and management system to facilitate case management, identify bottlenecks causing delays in prosecution, and support the collection and disaggregation of corruption statistics.
- Enhance interaction of the judiciary with all criminal justice officials (e.g., speaking engagements) and understanding of the DPP in corruption prosecutions.
- Consider developing a system to make case judgments available to the public in a timely manner.
- Article 15: legal advice; summary of good practices/lessons learned; on-site assistance by an anti-corruption expert.
- Articles 18, 21, 29, 35: summary of good practices/lessons learned.
- Articles 20, 22: on-site assistance by an anti-corruption expert and training.
- Article 23: summary of good practices/lessons learned; model legislation; legislative drafting; legal advice; on-site assistance by an anti-corruption expert; development of an action plan for implementation.
- Article 24: legal advice; on-site assistance by an anti-corruption expert.
- Article 30: summary of good practices/lessons learned; capacity-building.
- Article 32: summary of good practices/lessons learned; capacity-building programmes; legal advice and financial assistance.
- Article 41: summary of good practices/lessons learned; model legislation; legislative drafting; legal advice; on-site assistance.

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition (art. 44)

Tanzania's extradition scheme is governed by the Extradition Act 1965. Tanzania has entered into a number of bilateral extradition treaties; however, details of these treaties were not available to reviewers and a detailed assessment of Tanzania's implementation of this article was not possible. Tanzania's central authority is the Attorney-General's Office, though standard practice is for the Attorney General to engage the DPP to review incoming requests to verify that core requirements are satisfied. If the necessary conditions are met, the DPP files an application with the court. Hearings are held on a prima facie standard and the suspect has the opportunity to raise objections.

Tanzania will consider an extradition request for offences listed in the schedule to the Extradition Act and where dual criminality is satisfied (s.6(1) Extradition Act). Tanzania does not consider the period of imprisonment in assessing an extradition request. It is not clear whether all offences covered by the Convention are captured by the definition of "extradition crimes" in the Extradition Act.

It is unclear whether Tanzania can rely on the Convention as a legal basis for extradition. Officials informed reviewers that Tanzania, in theory, recognizes the Convention as a legal basis for extradition in addition to bilateral treaties. Tanzania has not notified the United Nations whether it considers the Convention to be a legal basis for extradition.

Tanzania's treaties generally provide for extradition in respect of all offences that are punishable in Tanzania, with the exception of national security matters and political offences. The Extradition Act contains a discretionary ground of refusal for political offences (ss. 16(1) and 17). Officials explained that United Nations Convention against Corruption offences would not be regarded as political offences, though no evidence of any measures in law or practice to formally implement this approach was provided.

The extent to which Tanzania has included United Nations Convention against Corruption offences as extraditable offences in treaties concluded with other States could not be fully reviewed due to a lack of information. Reviewers noted, however, that the sample provided suggests that not all United Nations Convention against Corruption offences are uniformly covered in Tanzania's treaties. Reviewers suggest a comprehensive review of all treaties to ensure compliance with the Convention and coverage of all such offences.

Tanzania may, by published Ministerial order, make the extradition of an individual subject to conditions, exceptions or qualifications (s.3 Extradition Act). Tanzania indicated that there are no minimum penalty requirements under the Extradition Act; however, in practice officials take various factors into account to assess each case as a whole.

Provisions to expedite extradition procedures and simplify evidentiary requirements have been adopted (ss. 6(3), 6(4), 13, 19, 25 Extradition Act). A Magistrate may issue an arrest warrant for a fugitive suspected to be in Tanzania if the Magistrate is satisfied that dual criminality is established (s. 6(1) Extradition Act). Tanzanian officials explained that they can conduct provisional arrests in cases of flight risk, and the judiciary confirmed that an arrest order can be issued once an extradition request is received. It is unclear whether Tanzania can conduct a provisional arrest prior to the receipt of a formal extradition request.

The extradition of Tanzanian nationals is not expressly addressed in the Extradition Act, though in practice Tanzania has previously extradited its own nationals. Reviewers were informed that, in certain situations, Tanzania would have jurisdiction to conduct a prosecution in lieu of extradition. However, prosecution in lieu of extradition is not directly addressed in the legislation. As Tanzania extradites its own nationals it does not have measures in place concerning conditional extradition or sentence enforcement in respect of nationals.

Tanzania has partially implemented fair treatment and non-discrimination provisions (ss. 5(2), 16(3), 17 Extradition Act). These provisions allow Tanzania to refuse extradition if a request is trivial, not made in good faith, relates to a political offence, or where extradition would be unjust, oppressive or too severe a punishment in the circumstances. Officials indicated that relevant provisions are also contained in Tanzania's bilateral treaties. Tanzania has previously refused an extradition request where it considered the offence in question was of a political character.

Although there is no legislated general approach to extradition for fiscal offences, the list of extraditable offences in the schedule to the Extradition Act includes fiscal offences. Further, officials explained that Tanzania would not refuse extradition on the grounds that the underlying offence involves fiscal matters.

Tanzania's Extradition Act does not address the matter of consultation between the requesting and requested States Parties. No information was provided on Tanzania's approach to consultation in practice.

Transfer of sentenced persons; transfer of criminal proceedings (arts. 45 and 47)

Tanzania has legislatively satisfied its United Nations Convention against Corruption obligation in respect of the transfer of sentenced persons (s. 3, Transfer of Prisoners Act 2004, s. 26, MACMA). Reviewers note that no practical examples of implementation were available.

The transfer of criminal proceedings is not addressed in legislation. Officials indicated that, in principle, proceedings could be transferred in appropriate circumstances if the court is satisfied that justice would be rendered in another jurisdiction.

Mutual legal assistance (art. 46)

The Attorney General's Office operates as the central authority for MLA; however, this has not been formalized and communicated to the United Nations. Reviewers were unable to meet with representatives from the Attorney General's Office and therefore conducted the review on the basis of information from the DPP. The Attorney General may execute MLA requests directly or send them to executing agencies, or to the DPP. If the DPP is involved, the same process is followed as for extradition.

MACMA provides for mutual legal assistance between Tanzania, Commonwealth and other foreign countries and extends to matters related to or incidental to MLA in criminal matters. Tanzania has entered into several bilateral MLA treaties, though details of the number of treaties and the treaty texts were not available. Tanzania has experience using the Convention as a legal basis for MLA.

Assistance in respect of legal persons may be provided so long as dual criminality is satisfied. A conduct based approach is taken when assessing dual criminality. Although there have been no cases where assistance was rendered in the absence of dual criminality, officials explained that in theory, dual criminality can be applied flexibly and will not bar assistance in non-coercive matters.

Arrangements exist for information to be transmitted between some Tanzanian and international law enforcement bodies. However, it appears no formal measures are in place for information sharing between the Attorney General's Office and other central authorities. Tanzania reported that, as a matter of practice, it would keep the existence and content of an MLA request confidential if requested to do so.

Mutual assistance may be provided in respect of requests for bank or financial records, including where bank secrecy exists. Assistance may not be refused on the sole ground that an offence involves fiscal matters (s. 6 MACMA, s. 4 Written Laws (Miscellaneous Amendments) Act 2006).

A prisoner being detained in Tanzania may be transferred for pursuant to an MLA request (ss. 14, 15, 24(1) MACMA). The procedural requirements surrounding the transfer of an individual are addressed in the MACMA (ss. 14(3), 15, 16, 21, 24(3), 25(3), 26). Protective measures in respect of prisoners transferred to provide MLA have also been legislated (ss. 17, 19, 24(3), 25(3) MACMA).

The MACMA makes provision for the execution of MLA requests in accordance with Tanzania's domestic laws and, to the extent possible, in accordance with procedures specified in the request (ss. 6, 9(2)(d)-(f), 11(6)). The rule of specialty and limits on the use of information provided in MLA requests are not addressed.

Tanzania's grounds for refusing assistance align with the Convention (ss. 6, 9(2)(i) MACMA). There is no legislated requirement to provide reasons if a request is refused, though officials indicated reasons would be provided as a matter of practice.

Under s. 9 of the MACMA, MLA requests should include desired timeframes for processing the request. Officials indicated that the average time for responding to MLA requests in corruption and other criminal cases is 3-6 months. There is no provision for responding to requests for status updates. The MACMA also does not address postponing assistance to avoid interfering with an ongoing investigation, prosecution or judicial proceeding.

The requirement to consult before refusing or postponing assistance is not implemented, though officials indicated related provisions are included in the treaties.

The MACMA does not address the transfer of persons who are not in custody for purposes of providing testimony or evidence, and no case examples were cited.

There is no general provision on costs in the MACMA, though officials indicated that under Tanzania's treaties, costs are borne by the requested State.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

Tanzania has implemented legislation to enable international law enforcement cooperation to detect and combat corruption (ss. 4(1), 4(2)(c), 54(c) PCCA) and facilitate the exchange of information with international FIUs (s.6(i) Anti-Money Laundering Act 2006).

Tanzania cooperates closely with regional and international law enforcement authorities through INTERPOL and has an MOU with Rwandan police. There has been no experience using the Convention as a legal basis for law enforcement cooperation, though officials confirmed there is no legal impediment to using the Convention in this manner. Law enforcement authorities participate in several regional fora and cooperate regionally through informal bilateral arrangements. Officials provided several examples of regional cooperation and coordination which facilitated successful investigations.

Tanzania participates in joint investigations at the international level on a case by case basis in the absence of formal legal or administrative measures. Examples include the United States of America and India.

Officials indicated that evidence obtained through undercover operations, electronic evidence and audio or video recordings is legislatively deemed admissible. However, judicial discretion and lack of resources render the admissibility of these types of evidence difficult in practice.

3.3. Challenges in implementation

The following steps could further strengthen existing anti-corruption measures:

- As a matter of priority, undertake a full review of existing treaties for MLA, extradition and the transfer of prisoners to ensure compliance with the Convention and coverage of all United Nations Convention against Corruption offences.
- Develop guidelines for MLA and extradition to describe modalities of how it accepts and processes requests and what the requirements are.
- Clarify the status of the Convention as a legal basis for extradition in respect of Convention offences and notify the United Nations accordingly.
- Implement an awareness-raising scheme to ensure a common understanding of extradition law and practice among relevant officials.
- Adapt information systems to enable the collection of data on the origin of extradition and MLA requests, the timeframes for executing these requests, and the response, including the offences involved and any grounds for refusal.
- Consider adopting a flexible definition of “extradition crimes” to enable ongoing coverage of all United Nations Convention against Corruption offences over time.
- Take steps to explicitly exclude United Nations Convention against Corruption offences from being considered political offences.
- Consider introducing legislative measures in respect of extraditing Tanzanian nationals, including conditional extradition and sentence enforcement, and monitor these elements of extradition policy should nationality grounds for refusing extradition be used in the future.
- Legislatively provide for consultations throughout the extradition process and adopt guidelines to aid this process.
- Clarify in the Extradition Act whether Tanzania can conduct a provisional arrest prior to the receipt of a formal extradition request.
- Adopt appropriate measures to formalize prisoner transfer practices.
- Notify the United Nations of the central authority for MLA and also the acceptable language for executing such a request.
- Legislate suitable provisions on speciality and confidentiality requirements for the execution of MLA requests.
- Address the issue of transfer of persons who are not in custody for the purposes of providing testimony or evidence.

- Introduce MACMA provisions on postponing assistance, consulting before refusing or postponing assistance, providing reasons where assistance is refused and responding to requests for status updates.

3.4. Technical assistance needs identified to improve implementation of the Convention

The following forms of technical assistance could assist Tanzania in more fully implementing the Convention:

- Article 46: legal advice; capacity-building programmes.
 - Article 50: capacity-building programmes.
-