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THE ECONOMIC AND ORGANISED CRIME CONTROL ACT
(CAP.200)

RULES

(Made under section 63A)

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THE ECONOMIC AND ORGANISED CRIME CONTROL ACT

(CAP.200)

RULES

(Made under section 63A)

THE ECONOMIC AND ORGANISED CRIME CONTROL (THE CORRUPTION AND
ECONOMIC CRIMES DIVISION) (PROCEDURE) RULES, 2016

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Rules may be cited as the Economic and Organised Crime Control (The Corruption and Economic Crimes Division)(Procedure) Rules, 2016.
- Commencement 2. These Rules shall come into operation on the date of publication in the *Gazette*.
- Interpretation 3. In these Rules, unless the context requires otherwise-
- Cap. 200 “Act” means the Economic and Organised Crime Control Act;
“Court” means the Corruption and Economic Crimes Division of the High Court established under section 3 of the Act;
“Division” means the Corruption and Economic Crimes Division of the High Court established under section 3 of the Act;
“Information” means the Information referred to under the Act;
“Minister” means the Minister responsible for legal affairs;
and
“Registrar” means the Registrar of the High Court, Acting Registrar, a Deputy Registrar and an Acting Deputy Registrar.

PART II

ESTABLISHMENT OF THE REGISTRY AND SUB-REGISTRIES

Establishment of Registries

4.-(1) There is established the registry of the Division at Dar es Salaam and such sub-registries as set out in the First Schedule at which original proceedings concerning offences triable under the Act shall be instituted.

GN. No 96 of 2005

(2) Without prejudice to sub rule (1), where a sub-registry is established under the High Court Registry Rules, the sub-registry shall be deemed to have been established for the purposes of these Rules.

(3) For convenience or any other reason, the Court may hold sittings at such other places as it will direct and the Registrar shall give notice beforehand of all sittings.

Register

5. The Court shall cause to be maintained such number of registers for the purposes of recording cases instituted in the Court.

Title entry in the Registry

6. Where an Information or any other cause has been filed in the Division, it shall be titled:

*“IN THE HIGH COURT OF THE UNITED
REPUBLIC OF TANZANIA
THE CORRUPTION AND ECONOMIC CRIMES
DIVISION
AT.....REGISTRY/SUB-REGISTRY
Corruption/Economic Case No.of 20.....
Misc. Corruption/Economic Cause No. ...of 20...”*

PART III
COMMITTAL PROCEEDINGS

Transmission of Information for committal

7. The Registrar shall, within seven days from the date the information was filed in court, endorse it and transmit a copy thereof together with all documents attached to it to the district or a resident magistrates’ court.

Committal proceedings before a district or a resident magistrates' courts

8.-(1) Upon receipt of the copy of the Information, the district or a resident magistrates' court shall, within fourteen days, cause the accused to appear before it for the purposes of conducting committal proceedings.

(2) Upon appearance of the accused person before it, the district or a resident Magistrates' court shall read and explain or cause to be read and explained to the accused person or if need be, interpreted in the language understood by him, the Information brought against him as well as the statements or documents containing the substance of the evidence of witnesses whom the Director of Public Prosecutions intends to call at the trial.

(3) After complying with the provisions of sub-rules (1) and (2), the magistrate shall address the accused person in the following words or words to the like effect:

"You have now heard the substance of the evidence that the prosecution intends to call at your trial. You may either reserve your defence, which you are at liberty to do, or say anything which you may wish to say relevant to the Information against you. Anything you say will be taken down and may be used in evidence at your trial."

(4) Having addressed the accused in accordance with sub-rule (3) and recorded anything that the accused might have said, the magistrate shall commit the accused for trial by the Court in the following words or words to the like effect:

".....(name(s), you are now hereby committed for trial before the Corruption and Economic Crimes Division of the High Court."

(5) The warrant of commitment for trial shall be in the form set out in the Second Schedule to these Rules.

Accused entitled to a copy of proceedings

9.-(1) A person who has been committed for trial before the Court shall, at any time before the trial, be entitled to obtain a copy of the record of the committal proceedings without payment.

(2) The Court shall, at the time of committing the accused for trial, inform him of his right under sub-rule (1).

(3) Every record of the committal proceedings supplied to the accused pursuant to this rule shall, subject to rule 21, contain a copy of the Information, the statements and documents produced before the district or a resident Magistrates' court during the committal proceedings.

(4) The record of the proceedings referred to under this rule shall be restricted to the proceedings of the day of the accused person's committal.

PART IV
TRIAL BEFORE THE COURT

Transmission of records of committal proceedings

10.-(1) When an accused person has been committed for trial, the record of committal proceedings duly signed and authenticated by the magistrate, together with copies of the information and committal order, shall be submitted to the Registrar within thirty days from the day the accused was committed for trial.

(2) The Registrar shall forward a copy of the documents in subrule (1) to the Director of Public Prosecutions.

Assignment of case or cause

11. The Judge in-charge of the registry or sub-registry or any other Judge acting in that capacity or the Registrar in the absence of any Judge shall, unless the circumstances do not permit, within a maximum of one day after the filing of Information, cause it to be manually or electronically assigned to a specific Judge.

Notice of trial

12. The Registrar shall be responsible for issuing a notice of trial.

Summoning of the accused for trial

13. The Court shall, within thirty days after receipt of the record of committal proceedings, cause the accused person to appear before it for plea taking and preliminary hearing.

Pleading to
Information

14.-(1) The accused person to be tried before the Court upon Information, shall be placed at the bar unfettered, unless the Court orders otherwise.

(2) The Information shall be read over and explained to the accused person by the Registrar or other officer of the Court and, if need be, interpreted in the language understood by the accused person and thereafter be required to plead thereto.

Preliminary
hearing

15.-(1) Where the accused person pleads not guilty, the Court shall conduct a preliminary hearing in accordance with the Act.

(2) Subject to the rule governing protection of witnesses, during the preliminary hearing the Court shall require both the prosecution and defence to provide names and addresses of their intended witnesses as well as a list of exhibits to be relied upon.

Time for
completion of
trials

16.-(1) Upon conclusion of the preliminary hearing, the Court shall, in all proceedings, take all necessary measures to ensure the early and just determination of cases brought before it.

(2) For the avoidance of doubt, all trials shall be conducted and completed within nine months from the date of completion of the committal proceedings:

Provided that the Court may, in exceptional circumstances, extend the time for not more than six months.

(3) Without prejudice to subrule (2), where further extension is required, the court may, for any reasonable or sufficient cause in the interest of justice, extend the time as it deems necessary for the completion of the case.

Summoning of
witnesses

17. The Registrar shall be responsible for summoning witnesses for the prosecution and the defence.

Hearing

18. During the trial, the Court shall hear the evidence of the witnesses for the prosecution and the defence in accordance with the relevant provisions of the Act.

Evidence by
video link

19. The Court may, on an application by either party, allow a witness to give evidence without being present in the courtroom, through a video link the cost of which shall be borne by the Government or as the court directs otherwise.

Evidence by
electronic means

20.-(1) An official record shall be made of every hearing and such record shall consist of the following:

(a) where an electronic recording system approved and managed by the Court or any other person appointed by the Court is used, the audio or audio-visual record or its corresponding transcript; and

(b) where an electronic recording system is not used, the notes of hearing recorded in such manner as the Court may determine.

(2) A prosecuting officer, the accused or the advocate if any may, in writing, request for a copy or a transcript of the official record of the proceedings.

(3) The Court may, in approving the request under sub rule (2), impose such conditions or make directions in relation to the release and use of the copy of the official record of hearing as it considers fit.

PART V
PROTECTION OF WITNESSES

Protection of
witnesses

21.-(1) Subject to the provisions of section 53 of the Act, the prosecuting officer or the defence counsel may, in exceptional circumstances, apply to the Court to order the non-disclosure of the identity of a witness who may be in danger or at risk until such person is brought under the protection of the Court.

(2) At the time of filing Information or at any time thereafter, the prosecuting officer or the defence counsel may make an application to the Court seeking witness protection measures of a potential witness.

(3) The Registrar shall, upon receipt of the application in subrule (2), ensure that the information relating to the identity of a potential witness is not disclosed until the time the court delivers a ruling on the application.

(4) A Judge may, at the request of the prosecuting officer or the defence counsel, order appropriate measures for the privacy and protection of witnesses provided that the measures are consistent with the rights of the accused.

(5) A Judge may hold proceedings in camera to determine whether to order-

(a) measures to prevent disclosure of the identity or whereabouts of a protected witness to the public or the media by:

(i) expunging from the Court's public records all such names and information that may identify such protected witness;

(ii) non-disclosure to the public of any records identifying such protected witnesses; or

(iii) assignment of pseudo names to such protected witnesses;

(b) excluding the press and the public from all or part of the proceedings on grounds of:

(i) public order or morality;

(ii) safety, security or non-disclosure of the identity of witnesses as provided under paragraph (a) of this sub-rule; or

(iii) protection of the interests of justice.

(6) Subject to the provisions of any other written law to the contrary, the evidence or names of persons whose evidence was received by the Court in camera shall not be published in any newspaper or other media:

Provided that the provisions of this sub-rule shall not prohibit the printing or publishing of any such matter in series of law reports or periodicals of a technical character *bona fide* intended for circulation among members of the legal profession.

(7) For the purposes of this rule "protected witnesses" shall include persons related to or associated with such witnesses.

PART VI
GENERAL PROVISIONS

Report from the
Court

22. The Registrar shall prepare and submit quarterly returns to the Principal Judge for onward transmission to the Chief Justice specifying-

- (a) the total number of corruption and economic offences cases brought before the Court for trial;
- (b) the number of each type of corruption and economic offence inquired into;
- (c) the number of persons tried for commission of each type of corruption and economic offence;
- (d) the orders made by the Court in the trial of each corruption and economic offence; and
- (e) any other matter which the Chief Justice may require the Registrar to report upon.

(2) The Court may, in any appropriate case after the trial, submit a special report to the Chief Justice, a copy of which shall be forwarded to the Minister-

- (a) concerning non-criminal or professional misconduct, abuse or misuse of office involving corrupt, economic or organised criminal activity by any public official as the basis for a recommendation of his removal or disciplinary action being taken against him;
- (b) containing recommendations for the control or eradication of any corrupt or economic crimes; and
- (c) regarding the state and conditions of corrupt, economic and organised criminal activity within the area of the jurisdiction of the Court.

Amendment of the Schedules **23.** The Chief justice may amend the Schedules to these Rules from time to time.

FIRST SCHEDULE

(Under rule 4)

REGISTRY AND SUB-REGISTRIES

No.	Place of sub- registry	Areas
1.	Dar es Salaam	Dar es Salaam Region, Coast Region and Morogoro Region
2.	Arusha	Arusha Region and Manyara Region
3.	Dodoma	Dodoma Region and Singida Region
4.	Bukoba	Kagera Region
5.	Moshi	Kilimanjaro Region
6.	Mbeya	Mbeya Region and Songwe Region
7.	Mtwara	Mtwara Region and Lindi Region
8.	Mwanza	Mwanza Region, Mara Region and Geita Region
9.	Sumbawanga	Rukwa Region and Katavi Region
10.	Songea	Ruvuma Region
11.	Tabora	Tabora Region and Kigoma Region
12.	Tanga	Tanga Region
13.	Iringa	Iringa Region and Njombe Region
14.	Shinyanga	Shinyanga Region and Simiyu Region

SECOND SCHEDULE

(Under rule 8(5))

WARRANT OF COMMITMENT OF ACCUSED PERSON COMMITTED FOR TRIAL TO THE CORRUPTION ANDECONOMIC CRIMES DIVISION

CORRUPTION AND ECONOMIC FORM

IN THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT/ RESIDENT MAGISTRATES' COURT OF DISTRICT/..... AT

CORRUPTION/ ECONOMIC CASE NO.

TO:

THE SUPERINTENDENT OF THE PRISON

WHEREAS was charged before this court with the offence(s) of

and has been committed for trial to the Corruption and Economic Crimes Division of the High Court;

This is to authorize and command you to receive the said into your custody and produce him in the Corruption and Economic Crimes Division of the High Court on the day, time and venue as shall be specified by the Registrar.

Given under my hand and the seal of the court this day of.....20.....

MAGISTRATE

Dar es Salaam , 7th September, 2016

MOHAMED CHANDE OTHMAN Chief Justice