

POLICE ACCOUNTABILITY IN TANZANIA

By

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Background information.

- 1886-1919: German rule
 - No formal police force
 - Use of local systems Jumbes and Akidas
- 1919- 1961: British rule
 - 1919; Police Force and Prisons Proclamation

Background information (cont...)

- Police Force was separated from Military
- 1953; Police force Ordinance Cap. 322
- **Independence Era**
 - No major changes except personnel
 - Same approach and mandate adopted
 - 1964; Union of Tanganyika and Zanzibar
 - + Police became a Union Matter
 - + Post of IGP
 - + Police Ordinance applicable in the Republic

Legal framework

- The URT Constitution 1977
 - provides for Executive Organ
 - Does not define Police

- Police Force Ordinance 1953
 - Establishes police force and its functions
 - defines posts and activities of Police

Legal framework (cont...)

- Police Force Service Regulations 1995
 - Staff regulations and code of conduct
- Police general Orders
 - Daily operations of Police force

Other legislations

- Penal Code 1945 Cap.16
 - Applicable to Police officers too.
- Criminal Procedure Act 1985
 - Arrest, interrogations, and prosecutions
- Evidence Act 1967
 - Admissibility of evidence in Courts
- Prevention Of Terrorism Act 2002
 - It Overrides other legislations

Current situation

(a) Police Experience

Workload

- 2003; TZ 1: 1400

UN 1: 450

Remuneration

- 2003 Police Constable \$ 80 p.m

Living Condition

- Lack of Shelter, access to water and toilets

Lack of facilities

- Difficult and dangerous Condition

(b) Public Experience

- ❑ Illegal Arrest and Extra Judicial killings
 - detention without trial
- ❑ Torture and Excessive use of Force
 - 17 detainees suffocated to death in 2002
- ❑ Corruption
 - Warioba Commission
- ❑ Partiality
 - Denial of Permission to Opposition Parties
- ❑ Abuse of due process
 - Denial of Bail

Accountability

- Internal discipline
 - senior Officers; PS of Ministry Responsible and President
 - Junior Officer - IGP and Police force and Prisons Commission
 - Performance Monitoring
 - Complaints lodging to senior officer

External accountability

- Parliament
 - Parliamentary Committee
 - Question time in the Parliament
- Legal Proceedings
 - Private prosecution
 - Suits against government

External accountability

- Judiciary
 - Judicial Review of Administrative Powers
- Commission of Human Rights and Good Governance
 - Toothless and people are loosing confidence on it.

External accountability

➤ Civil Societies

- Monitoring HR violations
- Systematic reforms of the Police Force

➤ Media

- Watchdog role of the police performance
- Culture of secrecy and information protection

Political Control of Police Force

□ Presidential Powers

- Direct command of the Force
- Power to hire and fire IGP and senior officers
- No security of tenure of IGP
- Discretion under Emergence powers Act 1986.

Political Control of Police Force

□ Ministerial Powers

- power to give order to Police Force ignore the Advisory Committee.

□ Police and Elections

- Violence and suppression of Opposition Parties Activities

- Eg; Operation Dondola in Zanzibar; Ngangari vs Ngunguri

State of Reform

❖ Legal sector reform Programme

❖ Medium Term strategy 2004- 2007;

- national legal framework
- promotion of transparency and accountability
- unified prosecution system under DPP
- improved access to justice for the poor and disadvantaged (police training)
- Human rights and administrative justice
- Professional legal knowledge(review of Police training curriculum)
- service delivery capacity in key legal sector institutions (reduced congestion in custody, increase of personnel, adequacy of office space and detention facilities, accommodation and transport facilities.

State of Reform (cont...)

- ❖ Poverty Reduction strategy paper 2000
 - ❖ Sets criteria for allocation of funds
 - ❖ Priority areas include Judiciary, Police, Prisons, AGs Office, Law reform Commission and Commission of Human rights
 - ❖ 2003/04 Budget; substantial increase of budget to Judiciary and Police.
- ❖ Community Policing
 - ❖ Currently not in place
 - ❖ Partnership between Police force and Community

Opportunities for Reform

- Legislative reforms
 - Democratic principles of policing
 - Best practice of internal and external accountability mechanism
 - Conformity to International legal obligation
 - Good governance
 - The right to information

Opportunities for Reform(cont...)

- Independence of senior leadership
 - Presidential control to be checked and balanced
- Budget increase
 - Recruitment of more officers
 - Adequate resources
 - Improvement of working conditions
 - Reasonable pay, housing and medical treatment to commensurate the risk inherent in their job.

Opportunities for Reform (cont..)

- Political Will and defined roles
 - Lack of genuine political will can be an obstacle to reforms
 - Shift from accountability from regime to community needs.

Thank you !!