

CRIME PREVENTION AND CONTROL IN TANZANIA

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Tanzania gained independence in 1961 and counts today a total population of 25,000,000 inhabitants. The country (881,289 km²) comprises Mainland Tanzania and Zanzibar. Zanzibar, in turn, is composed of two islands - Unguja and Pemba. The population of Unguja and Pemba totals 640,578 inhabitants (1988 census).

As in many other countries in the developing world, in Tanzania the rate of crime is increasing, as the following data show:

Year	Cases filed in court
1962	35,699
1963	33,436
1964	32,463
1965	32,375
1966	34,103
1967	33,173
1968	34,298
1969	36,510
1970	34,950
1971	37,206
1972	35,967
1973	39,056
1974	34,170

Two factors that have contributed to this upward trend are population rise (as mentioned earlier) and a decrease in moral values. As a result of the introduction of Universal Primary Education (UPE), every school-age child (7 years) now attends primary school to start formal education. Primary and secondary school education in Tanzania are free of charge. To date, the same can be said of university education, where students either receive full government *bursary* or are sponsored by non-governmental organisations.

Absorbing the out-flux of jobless youths - mainly primary school students - has placed a heavy burden on the community. It is estimated that every year 450,000 youths join the unemployed workforce in Tanzania Mainland and the Island of Zanzibar.

This unemployed workforce now appears to be the reason behind the rampage of youths in urban centres. Of late the authorities have had to deal with groups of youths who terrorise the population by committing a series of crimes, including larceny, rape and even fraud. These groups of unruly youths give themselves

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strange names: "Senti tano haigawanyiki" (Five cents is indivisible); "Wabaharia wa nchi kavu" (Dry land seamen); "Tukale wapi" (Where do we eat?).

At Mwanza, where the author of this paper is based, a random look at the criminal register of the District Court revealed that for 1988, out of 790 persons sent to court, 400 were implicated in theft-related offences. For the year 1989, of approximately 850 persons sent to court, 480 were involved in theft charges. Figures for 1991 show that out of a total of 600 persons sent to court, 444 were charged with larceny offences. This investigation was carried out on 8 October 1992, by which date 368 persons had been charged with larceny in the District Court of Mwanza.

Crime control

A number of crime control measures are being taken, some of them quite innovative. Tanzanians have reached the conclusion that it is time for the population itself to become involved in combating crime; thus, Sungusungu vigilante groups have been formed. A Tanzanian judge describes Sungusungu as "a spontaneous self-defence impulse in villagers, paying serious obedience to the saying, as it goes, - that the price of liberty is eternal vigilance." The vigilante groups patrol mainly at night. They have been given the power to arrest suspects and refer them immediately to the police. It is believed that these groups have solved many problems.

Nevertheless, experience has shown that if these groups are not supervised they are likely to abuse their powers. There have been a few instances where suspects have been over-beaten. However, in such cases, the courts have not been reluctant to inflict severe punishment.

The ballot box

The ballot box is also presumed to be a somewhat innovative idea. By this method people are asked to jot down names of suspects in their localities, following which the police carries out confidential investigation on the persons listed. "Voters" are requested to provide their full address in case the police wishes to make a cross-check. Nobody has been molested as a result of this procedure.

Corollary to the above method, the government has adopted the policy of "tipping" informers: 10% of the value of a recovered property or money is assigned to the informer.

Conventional methods of crime control, such as police, people's militia, and courts are also operative in Tanzania. Nevertheless, it is obvious that the police alone cannot succeed in controlling crime. The country has only 23,000 police officers, which is roughly one policeman to one-thousand persons (France has one policeman to 271 persons).

The 1972 Minimum Sentences Act imposes, for specific offences, the minimum sentence a court must inflict if conviction results. For example, a person charged and convicted of stealing cattle must be sentenced to five years imprisonment; a person found guilty of stealing by a public servant is peremptorily sentenced to three years imprisonment; a person convicted for robbery with violence - where a

gun or pistol was used - would now (Act No. 10/89) be sentenced to 30 (thirty) years imprisonment.

Some members of the Bench in Tanzania (including the author of this paper) do not see a rationale behind these long prison sentences. The feeling among some judges is that, if anything, they only add to the congestion of inmates in prison. In fact, more people would be going into prison than coming out. In addition, fixing minimum sentences also reveals a loss of confidence in the Judiciary. The Executive should know and appreciate that judges perceive themselves as part and parcel of the society; no judge acts in a vacuum.

Mr. Justice Hilberry of the Court of Criminal Appeal, England, (Case: Kenneth John Ball, 1951, 35 cr. App.R. 146) said on punishment:

"In deciding the appropriate sentence a court should always be guided by certain considerations, and first and foremost is the public interest. The Criminal Law is publicly enforced not only with the object of punishing crime, but also in the hope of preventing it. A proper sentence passed in public serves the public interest in two ways: it may deter others who might be tempted to try crime as something to offer easy money on the supposition that if the offender is caught and brought to justice the punishment will be negligible: such a sentence may also deter a particular criminal from committing a crime again, or induce him to turn from a criminal to an honest life. The public interest is indeed served, and best served, if the offender is induced to turn from criminal ways to honest living. Our law does not, therefore, fit the sentence to a particular crime, but fixes a maximum sentence and leaves it to the court to decide what is, within that maximum, the appropriate sentence for each criminal in the particular circumstance of each case: not only in fact to each crime, but in fact to each criminal, the court has the right and the duty to decide whether to be lenient or severe. It is for these reasons and with these purposes in view that, before passing sentence, the court hears evidence of the antecedents and the character of every convicted person."

As Mr. Justice Hilberry advises, the Executive and the Legislature should leave the task of sentencing to the trial judge.

PART FOUR

Rounding Up

General Report

