

Tanzania and the fight against organized transnational crimes: municipal law trends

Abdi Shaaban Kagomba

Master of Laws

University of Dar es Salaam, University of Dar es Salaam School of Law, 2000

This dissertation examines Tanzanian municipal legal framework for fighting organized transnational crimes vis-à-vis the institutional framework available under international law. It has been observed that there has been an apparent delay in incorporating international legal instruments into local legislation thereby weakening Tanzanians participation in the fight against organized transnational crimes. Beside this, municipal penal laws have continuously been facing a mischief as to sentences. The dissertation show that preference to fine as opposed to jail terms has weakened the actual deterrence effect of the sentences to potential offenders, especially those with means. While at theory level deterrence as a penal policy has been blurred as incapable of reducing the crime rate, this dissertation takes an opposite view and argues that the minimum sentences act, 1972 which was based on deterrence policy could have been successful were the courts ready to further the good intention of the legislature embodied therein. Therefore, while enhancement of sentences and international judicial co-operation are recommended for the types of crimes under this study, a call is made for review retroactive laws and policies with an assentation that without affecting the proposed improvements fighting organized transnational crimes will be difficult