

10 November 2023



## Rules on Audio & Video Recording of Criminal Suspects Published

- Mode of recording provided
- Mandatory requirement of informing the suspect of his rights articulated
- Situations that may lead to discontinuation of interview explained
- Duty to interpret interview due to certain conditions imposed
- Rights of the suspect at the conclusion of interview stated
- Custody of the recording medium provided

On 3 November 2023, the Chief Justice of Tanzania issued the Criminal Procedure (Audio and Video Recording of Interviews with Suspects) Rules (the Rules) via Government Notice No. 792. The said Rules aim at protecting the rights of suspects, ensuring the accuracy of evidence and maintaining transparency in the criminal justice process.

The Rules require an interview of a suspect by the police to be recorded either in form of video or audio. In case of video recording, it should be with clear picture or image while in the case of an audio, the Rules require the recording to be with clear sound. Further, where a suspect is being video-recorded, the Rules oblige a police officer responsible for the interview to fix the camera in the interview room in such a manner that ensures wide coverage of the room during the interview and to display a full image of the suspect.

Regarding commencement of interview, the Rules require the interviewing police officer (the officer) to inform the suspect that the interview should be video/audio recorded and explain how the recorder and recording media operate. Thereafter, among others, the officer is obliged to ask the suspect to identify himself; caution and address the suspect of his rights; introduce the name and rank of any other police officer present and the reason for such presence; state the date, place and time for commencement of interview; and put to the suspect any significant statement made prior to the interview, and should ask the suspects to confirm or deny his earlier statement.

It should be noted that the Rules allow discontinuation of an interview where it is not practicable to continue due to failure or malfunction of the recording device or when the interview room becomes unsuitable for any other good cause.

At the conclusion of the interview, among others, the suspect should be asked whether he wishes the record of the interview to be played to him and, if he so wishes, the record should be played accordingly; the suspect should be accorded the opportunity to clarify anything he has said during the interview and to add anything he may wish to; the suspect should certify by his own words which should be recorded as part of the interview that the statement is his and was free from inducement, threat, promise or torture at the time of taking the interview; and the certificate of completion of the interview, duly signed by the suspect, should be filed in by the officer in accordance with the Criminal Procedure Act.

Lastly, the Rules require the recording medium to be sealed in the presence of the suspect after completion of the interview. The Rules oblige the investigator of the case or any other authorized officer to keep the recording medium securely and its movements to be accounted for in the same manner as any other object to be used as evidence in Court proceedings.

To read the Criminal Procedure (Audio and Video Recording of Interviews with Suspects) Rules, 2023 [click here](#)

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