

## **IDENTIFICATION PARADE IN TANZANIA.**

### **WHAT IS AN IDENTIFICATION PARADE (“Parade”)?**

A parade is a police procedure, to which a group of people including a suspect of a crime assembled for the purpose of discovering whether a witness (es) can identify a suspect. It’s one way of identifying a suspect from a group of similar looking people. This is usually done when an accused/ suspect is in police custody.

### **WHAT IS THE PURPOSE OF AN IDENTIFICATION PARADE?**

The parade serves as an important evidential mechanism which leads to individualisation of evidence; particularly it will help identify the perpetrator as a person but not identify his/her unlawful conduct.

### **WHAT IS VISUAL IDENTIFICATION?**

This is eye-witness identification evidence. Evidence of visual identification is of the weakest kind, therefore just bare assertions of identification of a culprit/ suspect would not suffice as a ground of conviction unless it is accompanied by a detail description of the person allegedly identified.

It will be imprudent for the court to convict a suspect who was not arrested at the scene of crime, on just bare assertions of the witness that he/she recognised him/her.

Where the victim(s) of crime are attacked and are left in a state of confusion, it would not be prudent for a court to base a conviction on evidence of visual identification by the victim(s).

Therefore, visual identification evidence ought to be watertight.

## WHAT HAPPENS WHEN IDENTIFICATION IS MISTAKEN?

There are guidelines that a court is to follow when and where the issue of mistaken identification arises;

1. Whenever the case against an accused depends wholly or substantially on the correctness of one or more identifications of the accused which the defense alleges to be mistaken, the court should warn itself on the correctness of the identification before convicting the accused.
2. The trial court should be aware of the possibility that a mistaken witness could be a convincing one and therefore the identification becomes incorrect.
3. The trial court should remind itself of any specific weaknesses which had appeared in the identification.
4. The trial court should examine closely the circumstance in which the identification by each witness (es) came to be made.
5. How long did the witness (es) have the suspect under observation?
6. At what distance?
7. In what light?
8. Had the witness (es) ever seen the suspect before if so how often?
9. If only occasionally, had he/she have any special reason for remembering the suspect?
10. How long elapsed between the original observation and identification at the police?
11. Was there any material discrepancy between the description of the suspect given to the police by the witness (es) when first seen by him/her and his/her actual appearance?

A lawful identification parade must conform to the statutory requirements which are contained in the Police General Order [CAP.280, R.E 2002]

When ascertaining whether a person detained in police custody can be recognised by the witness (es), the police must ensure that the proceedings are conducted fairly against the suspect; otherwise the value of the identification parade as evidence will depreciate in merit considerably.

The witness (es) shall be given full opportunity to make their identification in a suitable condition, and the officer-in-charge of the parade should put to test the witness (es) ability to identify the suspect. That is;

1. The witness (es) may be allowed to hear the suspect speaks.
2. See the suspect in their hats on or off, from the back or front, in movement or in such

other way as will give a reasonable opportunity of identification.

### **WHAT ARE THE RULES OF IDENTIFICATION PARADE?**

The officer-in-charge of the case will make preliminary arrangements for the parade that is;

1. Shall register the number of persons attending the parade and the suspects in the space provided under Head No. 3 (a police form register) in the identification parade register (P.F 186)
2. He/she will register the name of the witness (es) under Head No. 4 (a police form register) of the register in the order to which they are to be called.
3. The officer-in-charge of the case will take no part in conducting the parade. The officer conducting the parade must be an officer unconnected with the case. Therefore officers below the rank of sub-inspector are not permitted to conduct identification parades.
4. The officer-in-charge of the case will inform the suspect that, he will be put up for identification. Any objections raised by the suspect will be noted and communicated by the officer-in-charge of the case to the officer conducting the parade before it is held.
5. If the suspect desires the attendance of a friend, relative or advocate, then an arrangement must be made for him/her to attend the parade if he/she wishes and will be placed in the background of the parade observing only and saying nothing.
6. The place / room, to which the parade is to be conducted, must have a good light. No unauthorized persons will be permitted to attend or witness the parade.
7. The witness (es) will be assembled by a police officer who has no connection with the case in a room or place out of sight far from the parade room from which they can be called to the parade by the officer conducting it.
8. The witness (es) will not be allowed to see or hear the suspect before he is put up for identification nor should they be assisted by any description or photograph of him/her or in any other way.
9. Officer who made the arrest or who took part in the investigation will not be sent to bring or notify witness (es) to attend the parade and will not communicate with them before the parade is held.
10. Arrangements will be made to ensure that witness (es) have no opportunity to see or be seen by any of the persons to be paraded.
11. The suspect may put on the cloth he/she was wearing when the offence was committed at the parade.
12. The persons to be paraded should be of similar height, age, general appearance and

class of life to each other. Their clothing should also be similar.

13. The persons to be paraded should not be known to the complainant or the identifying witness (es) because the identification will have little value.
14. The persons to be paraded should be minimum number of eight people or more for one suspect and ten or more for two suspects. If there are more than two suspects, then more than one parade will be conducted.
15. When the suspect has been brought on to the parade, the officer conducting the parade will explain the purpose of the parade and will ask the suspect if he/she has any objection to any suspect participating in the parade.
16. Any objection raised by the suspect will be noted in the identification parade register and immediate steps taken to replace those persons to whom the suspect objects.
17. The suspect will then be invited to stand where he/she pleases in the line, and the position he/she selects will be noted in the register.
18. The suspect should not wear handcuffs or anything that might distinguish him/her from others.
19. The witness (es) will be called to the parade room by the officer conducting it who will explain the purpose of the parade and invite him/her to point out by touching any person he/she identifies. Under no circumstances shall the witness be touched or led during his/her examination of the parade.
20. If the witness requires any person in the parade to walk, talk, see him with his/her hat on or off, it may be done but the whole parade must be asked to do likewise.
21. The officer conducting the parade will note carefully in his identification parade register any identification or degree of identification made, any material connected with that include any wrong identification, remark any objections raised by the suspect.
22. The officer shall ask the witness (es) what connection does he/her she identify the suspect and shall record the same and no other questions are permissible.
23. Upon leaving the parade, the witness (es) will be escorted to a place where he/she is out of sight and hearing of the parade and cannot communicate in any way with other witness (es) waiting or members of the Police force and will remain there under the charge of a police officer who has no connection with the case until the parade is finished.
24. At the end/ conclusion of the parade, when necessary, a photograph will be taken of the parade for production in court.
25. Care should be taken that those on the parade and witness (es) are treated with patience, consideration and courtesy.
26. The officer conducting the parade will finally checks his entries in the identification parade register and sign in the space provided.

- The officer who conducts an identification parade may be required to give evidence as to the conduct and results of the parade in any Court case that may follow
- The officer-in-charge of the case will give evidence of the preliminary arrangements of the parade and not otherwise.

### **WHAT LAW GOVERNS IDENTIFICATION PARADE IN TANZANIA?**

- The Police General Order [CAP 280, R.E 2002]

### **WHAT ARE THE RIGHTS OF A SUSPECT BEFORE AND AFTER THE PARADE?**

- Right to have a friend, relative or advocate at the time of the parade.
- Right to be informed of the purpose of parade and the allegations against him/her.
- Right to accept or refuse the request of identification parade with reasons.
- Right to choose any position of his/her choice in a parade.
- Right to be informed that he/she will be put up for identification.
- Right to be treated with patience, consideration and courtesy at the parade.

### **CONCLUSION**

A parade is a necessary and crucial procedure for a witness (es) to be able to identify a suspect (s) that he/she may have seen at the crime scene and confirm if the same person is in police custody. In Identifying a suspect from a group of similar looking people the procedures mentioned above must be observed. However, in practice not all procedures mentioned above are observed by the police in Tanzania. Therefore, it is important to be aware of them so that you know your rights before and after the parade, as visual identification is accepted as evidence in Tanzania criminal courts.

**BY;**

**ESTHER JULIUS MOSHA**



**ASSOCIATE ADVOCATE**

**MARKEL & CO ADVOCATES**

**M: +255782397270**

[esyamor880@gmail.com](mailto:esyamor880@gmail.com)