IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
DODOMA MAIN REGISTRY
AT DODOMA
CRIMINAL REVISION NO. ..... OF 2024

[C/F CRIMINAL CASE NO. 23476 OF 2024 IN THE RESIDENT MAGISTRATES COURT OF DODOMA AT DODOMA]

LEONARD SATU MASHABARA..... APPLICANT

VERSUS

TANGANYIKA LAW SOCIETY..... 1ST RESPONDENT
HON. DIRECTOR OF PUBLIC PROSECUTION..... 2ND RESPONENT
HON. ATTORNEY GENERAL.....3RD RESPONDENT
ADVOCATE GODFREY SABATO JOHN WASONGA... 4TH RESPONDENT
ADVOCATE SADIKI OMARY..... 5TH RESPONDENT
ADVOCATE BONIVENTURA NJERU..... 6TH RESPONDENT
ADVOCATE MESHACK YONA NGAMANDO.....,,,,.... 7TH RESPONDENT
MT 140105 CLINTON DAMAS @ NYUNDO..... 8TH RESPONDENT
PRAYGOD MUSHI..... 9TH RESPONDENT
AMIN LORD LEMA..... 10TH RESPONDENT
NICKSON JACKSON..... 11TH RESPONDENT

CERTIFICATE OF EXTREME AND UTMOST URGENCY

I, **Advocate Emanuel Anthony,** an Advocate for the Applicant herein **DO HEREBY CERTIFY** that, in my opinion and in the interests of justice, hearing this application in order to determine the **locus** of all Advocates and members of Tanganyika Law Society in the **criminal case number 23476 of 2024** in the Resident Magistrates Court of Dodoma at Dodoma is of utmost and extreme urgency for the following reason(s);-

1. That criminal case number 23476 of 2024 in the Resident Magistrates Court of Dodoma is conducted at a super sonic speed

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thus if this application will not determined instantly will lead to injustice,

2. That if criminal case number 23476 of 2024 will be determined before hearing this application, the same [application] will be nugatory.

In the foregoing circumstances, I pray that the matter be heard immediately as matter of utmost and extreme urgency.

Dated at MOSHI this 21st day of August, 2024.

.....

Advocate for the Applicant

Presented for filing this..... day of ....., 2024.

.....

Registry Officer

Drawn and filed by;-

Emanuel Anthony—Esq,
Kilimanjaro Elite Attorneys & Consultants,
1st Floor, Room No. 105 YWCA Building,
07 Boma Road, 25101 MAWENZI,
P.O. Box 8360,
MOSHI.
+255 767 654 321,
kilimanjaroeliteattorneys@mail.com

Copies to be served upon;

1st Respondent

2nd Respondent

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3rd Respondent

4th Respondent

5th Respondent

6th Respondent

7th Respondent

8th Respondent

9th Respondent

10th Respondent

11th Respondent

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AMIN LORD LEMA..... 10TH RESPONDENT
NICKSON JACKSON.....11TH RESPONDENT

CHAMBER SUMMONS

[*Made under sections 372(1) and 373(1)(b) of the Criminal Procedure Act, Cap. 20 R.E. 2022 and Section 2(3) of The Judicature and Application of Laws Act, Cap. 358 R.E 2019, Section 44(1)(a) of The Magistrates Courts' Act, Cap. 11 R.E. 2019 and any other enabling provisions of laws*]

LET ALL PARTIES CONCERNED appear before her Ladyship/his Lordship ..... Judge sitting in Chambers on ..... day of ....., 2024 at 8:30 a.m

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O'clock or thereafter when the Counsel for the Applicant can be heard upon application for the order(s);-

1. That this Honourable Court be pleased to call and examine the records of the Resident Magistrates Court of Dodoma in criminal case number 23476 of 2024 and satisfy itself on the propriety of appearances and defending of the 4th 5th 6th and 7th Respondents [Advocates] to the 8th, 9th 10th and 11th [Accused persons] Respondents as the first group [4th,5th,6th and 7th] are members of the 1st Respondent,
2. That this Honourable Court be pleased to revised proceedings which the 4th,5th,6th and 7th Respondents have appeared as defending lawyers of the 8th, 9th, 10th and 11th Respondents.
3. That this Honourable Court be pleased to grant any relief(s) it deems fit and just to grant.

This application has been taken by the instances of the Applicant and supported by his Affidavit to be read during the hearing of this application and any other reasons and grounds to be adduced during the hearing of this application.

Given under **MY HAND** and **SEAL** of this **COURT** this ..... day of ....., 2024.

.....

DEPUTY REGISTRAR

Presented for filing this ..... day of ....., 2024.

.....

Registry Officer

Drawn and filed by;-

Emanuel Anthony—Esq,
1st Floor Room No. 105, YWCA Building,
07 Boma Road, 25101 MAWENZI,

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AFFIDAVIT

VERIFYING FACTS IN THE CHAMBER SUMMONS

I, **Advocate Leonard Satu Mashabara** a resident of Moshi Municipality, an adult a Christian and male DO HEREBY take an Oath and state as follows;-

1. That I am an active member of the Tanganyika Law Society.

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2. That also I am an officer of the court at the capacity of Advocate of the High Court of the United Republic of Tanzania and subordinate Courts thereto thus conversant with facts I am deponing.
3. That active membership of the Tanganyika Law Society is obtained through admission as an Advocate and maintained through obtaining of practicing certificate.
4. That all of our affairs as Advocates are governed, regulated and monitored by the Council which is established by the law of the land.
5. That our council is composed of the President of the society, the Vice president of the society, the Treasurer and seven other members all of whom are members of the society and elected.
6. That as an officer of the court I have the duty to report any matter before the court for the purpose of promoting, protecting and preserving of justice in the United Republic of Tanzania.
7. That as an officer of the court I also have the duty to the public, fellow Advocates, profession and to myself in promoting, protecting and preservation of justice.
8. That my duties have to be exercised while in courts of law or out of courts of law when necessary.
9. That my duty as an Advocate is not different from any other Advocates in the Tanzania mainland.
10. That all of Advocates in the Tanzania mainland have the duty to adhere to the principles of equal justice for all within an open, ordered and impartial system.

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11. That all Advocates when choosing to comment on any specific case are barred to do so without the instruction and consent of any individual.
12. That all members of the Tanganyika Law Society have the duty among others to protect the client possible from being convicted except by a court of competent jurisdiction and upon legal evidence sufficient to support a conviction for the offence charged.
13. That in the month of August, 2024 in Tanzania it was widely circulated a video clip showing a female person being abused by suspected male persons whom their names were not known.
14. That the names of suspected persons were known after some of the Respondents in this application were aligned before the Resident Magistrate Court of Dodoma.
15. That after such circulation various social groups aired their opinion on the incident.
16. That the opinions were not a proof of guilty to any person who was a suspect of the act depicted in the video clip.
17. That the Tanganyika Law Society being a profession body on the 05th day August, 2024 issued a statement on the incident. A copy of the statement signed by the President of the Tanganyika Law Society is annexed hereto and marked as **"LSM-1"** and forms part of Affidavit.
18. That the statement issued by the Tanganyika Law Society disqualifies all members of the Tanganyika Law Society to act and defend the accused persons in criminal case number 23476 of 2024 instituted in the Resident Magistrates Court in Dodoma.
19. That the statement condemned the accused persons.

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20. That through the statement the suspects were called **"wahalifu"** which means the suspects are criminals.
21. That the statement by the Tanganyika Law Society violates the principles of impartiality.
22. That through that statement the Tanganyika Law Society sided with prosecution side.
23. That it is expressed in the statement by the Tanganyika Law Society that ***"Aidha TLS inapinga vitendo vyote vya kikatili na udhalilishaji dhidi ya wanawake na iko tayari kushirikiana na vyombo vyote vya usalama na haki jinai katika kuhakikisha wahalifu hao wanafikishwa katika mamlaka sahihi za haki ili kujibu mashtaka yao."***
24. That the statement by the Tanganyika Law Society depicts the position of all members of the Society including the 4th, 5th,6th and 7th Respondents who are defending the 8th,9th,10th and 11th Respondent.
25. That the statement by the Tanganyika Law Society offend the principles of fair hearing.
26. That for the interest of justice this Honourable Court is enjoined with powers to revise the appearance and any defense filed and accepted by the subordinate court in the criminal case number 23476 of 2024 in the Resident Magistrate Court of Dododma.

Dated at MOSHI this 21st day of August, 2024.

.....

DEPONENT

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VERIFICATION

I, **Advocate Leonard Satu Mashabara,** being an Advocate of the High Court and subordinate courts thereto do hereby verify that, what I have stated in in paragraphs 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18, 19,20,21,22,23,24,25 and 26 are true and correct according to the best of my own knowledge.

Verified at MOSHI this 21st day of August, 2024.

.....

DEPONENT

SWORN and **DELIVERED** in Moshi before me ...ELISANTE KIMARO..... by the said Leonard Satu Mashabara who is personally known to me in my presence this 21st day of August, 2024.

.....

DEPONENT

Before Me;

Signature: .....

Name: ELISANTE KIMARO

Address: .....116, HAI.....

Qualification: **Commissioners' for Oaths.**

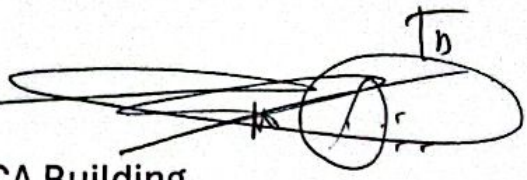
Presented for filing this ..... day of ....., 2024.

.....

Registry Officer

CamScanner

Drawn and filed by;-



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"LSM-1"

The Tanganyika Law Society

The Bar Association Of Tanzania Mainland

05 Agosti, 2024

TAARIFA KWA UMMA

KULAANI KITENDO CHA UDHALILISHAJI NA UKATILI WA KIJINSIA

Chama cha Wanasheria Tanganyika (TLS) kimepata taarifa kupitia mitandao ya kijamii na taarifa maalum kwa Umma kutoka kwa Jeshi la Polisi Tanzania juu ya video iliyosambaa kwenye mitandao ya kijamii ikimuonesha mwanamke anayesemekana anaishi eneo la Yombo Dovya Jijini Dar es Salaam akifanyiwa vitendo vya udhalilishaji na ukatili wa kijinsia na kundi la Wanaume huku wakirekodi video ya vitendo vile viovu. Tukio hilo sio tu ni kinyume na sheria za nchi yetu lakini pia ni kinyume na maadili na utamaduni wetu kama Watanzania.

Chama cha Wanasheria Tanganyika (TLS), kinalaani kitendo hiki kiovu na tunalitaka Jeshi la Polisi kuchukua hatua stahiki za kisheria na kuhakikisha wahalifu wote walio tenda kitendo kile na waliowezesha kutendwa kwa kitendo kile kiovu wanakamatwa na kufikishwa Mahakamani mara moja ili haki iweze kutendeka. Aidha TLS inapinga vitendo vyote vya kikatili na udhalilishaji dhidi ya wanawake na iko tayari kushirikiana na vyombo vyote vya usalama na haki jinai katika kuhakikisha wahalifu hao wanafikishwa katika mamlaka sahihi za haki ili kujibu mashitaka yao. TLS pia kupitia **kifungu cha 4 (e)** cha Sheria iliyounda TLS (Tanganyika Law Society Act, Cap. 307 R.E. 2002) inaendelea kufuatilia mwenendo wa suala hili kwa ukaribu zaidi kwa kushirikiana na vyombo vya usalama na vinavyosimamia haki jinai ili kuhakikisha hatua stahiki kwa waliohusika zinachukuliwa kwa wakati na kwa mujibu wa Sheria.

Kila binadamu anastahili heshima, haki na usawa katika jamii yetu. TLS inatoa wito kwa jamii kusimama pamoja kupinga udhalilishaji, unyanyasaji na ukatili wa kijinsia wa aina yoyote ile ikiwemo kuacha mara moja kusambaza video zinazohusu tukio hili ili kulinda haki ya mhanga.

Tanzania bila udhalilishaji, unyanyasaji na ukatili wa kijinsia inawezekana!

Imetolewa na Baraza la Uongozi la Chama cha Wanasheria Tanganyika (TLS)

Boniface A.K Mwabukusi

Rais

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