Legal Research Trainers Handbook

Tanzanian Judges & Magistrates

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Foreword

It is my singular pleasure and a great honour to present the Legal Research Training Module for Tanzanian Judges and Magistrates. This module marks a significant milestone in our collective efforts to strengthen the capacity of our judiciary and enhance the quality of justice delivery in Tanzania. Developed through close collaboration with Laws.Africa and generously supported by GIZ Tanzania and EAC this module reflects our shared commitment to equipping judicial officers with the essential skills and tools for effective legal research in the wake of the fourth industrial economy where digital information is the order of the day.

In an era of rapidly evolving legal challenges, the ability to conduct thorough, precise, and independent legal research is fundamental to upholding the rule of law and ensuring fair and informed adjudication. Judges and Magistrates bear the solemn responsibility of interpreting and applying the law with integrity, impartiality, and diligence. This training module has been carefully designed to support them in this role by providing comprehensive guidance on research methodologies, sources of law, and best practices in legal writing and reasoning.

The collaborative spirit that guided the development of this module underscores the importance of partnerships in advancing judicial excellence. By integrating expertise from within the judiciary and best practices from experienced external experts, we have created a resource that is practical, relevant, and responsive to the realities faced by judicial officers. As we continue to build a judiciary that is inclusive, responsive, people centered and resilient, this module serves as both a foundation and a catalyst for continuous professional growth.

I commend the dedication of everyone involved in the preparation of this module, and I express my sincere gratitude to our partners for their invaluable support. I thus trust that this resource will inspire a renewed commitment to excellence and integrity across our judiciary.

Hon. Justice Dr. Paul F. Kihwelo
Justice of Appeal and Principal (IJA)

Overview

This one-day practical training is designed to equip judicial officers with the key skills needed for legal research and writing. The course may also be offered, either in full or in part, to legal practitioners and law students across the country, recognising the broader importance of these skills in the legal profession.

Participants will receive practical guidance on how to access and use legal resources at national, regional, and international levels. The course introduces modern research techniques and helps participants assess legal materials critically and apply them effectively in their judicial work.

In addition, the course explores the growing role of technology in the legal field. It introduces emerging tools, including Artificial Intelligence (AI), and considers their impact on legal research and decision-making.

The training also focuses on ethical research practices, sound information management, and the development of clear, accurate, and persuasive legal writing. Although becoming proficient in legal research takes time and practice, this course provides a strong and practical foundation to support participants on that journey.

Agenda at a Glance

Time	Session
09:00 - 09:30	Opening and Introduction
09:30 - 10:45	Session 1: Legal Research Foundations – Sources & Strategy
10:45 - 11:00	*Comfort Break*
11:00 – 12:30	Session 2: Mastering Tanzanian Legal Resources (Hands-On)
12:30 – 13:30	*Lunch Break*
13:30 - 14:00	Session 3: Regional & International Legal Sources – Broadening the Research
14:00 - 15:00	Session 4: Introduction to Artificial Intelligence for the Justice Sector
15:00 - 15:15	*Comfort Break*
15:15 - 16:00	Session 5: AI-Assisted Legal Research & Writing Tools
16:00 - 16:30	Session 6: Ethical Use of Information and Citation
16:30 - 17:00	Wrap-Up and Q&A

Detailed Agenda

Time	Session
09:00 - 09:30	Opening and introduction • Welcome and context: The role of legal research in judicial work in Tanzania. • Overview of learning objectives. • Icebreaker activity to encourage participation.
09:30 - 10:45	Session 1: Legal Research Foundations – Sources & Strategy • Definition and importance of legal research. • Overview of primary and secondary legal sources in Tanzania. • Steps in the legal research process. • Practical exercise: Identifying legal issues and keywords for a sample scenario.
11:00 – 12:30	Session 2: Mastering Tanzanian Legal Resources (Hands-On Practice) • Using TanzLII for legislation and case law. • Searching and comparing versions of laws. • Understanding court hierarchy and its impact on precedent. • Practical exercise: Live searches for Tanzanian statutes and cases.
13:30 - 14:00	Session 3: Regional & International Legal Sources – Broadening the Research • Why regional and international sources matter in judicial work. • Key regional frameworks: EAC, SADC, and African Union instruments. • International treaties and human rights conventions. • Practical exercise: Locating regional and international legal texts online.
14:00 - 15:00	Session 4: Introduction to Artificial Intelligence for the Justice Sector • What is AI and how it applies to the legal field. • Opportunities and risks for the judiciary in Tanzania. • Group discussion: Participant views on AI in judicial practice.
15:15 - 16:00	Session 5: AI-Assisted Legal Research & Writing Tools • Overview of AI features for legal tasks: search, summarisation, drafting. • Demonstration of available or emerging tools. • Importance of human oversight when using AI. • Hands-on or discussion-based activity on AI tool use.

Detailed Agenda

Time	Session
16:00 - 16:30	Session 6: Ethical Use of Information and Citation • Accuracy, diligence, and avoiding plagiarism. • Bias in legal research and use of AI. • Responsible use of AI: Key principles and Tanzanian strategy. • Citation standards in Tanzanian legal writing. • Group discussion on common ethical challenges.

16:30 - 17:00	Closing: Wrap-Up, Q&A, and Further Resources
	• Recap of the day's key messages.
	• Open Q&A.
	• Guidance on continued learning, including:
	   ○ TanzLII User Guide
	   ○ GlobaLex guide on Tanzanian legal research
	   ○ Law Library of Congress – Tanzania
	   ○ IOJT Journal on judicial training
	   ○ NCSC/Thomson Reuters "Principles for AI in Courts" (2025)

Please Note

This manual is updated from time to time and the latest version is available on the TanzLii website via the following link .
🔗 **https://bit.ly/TanzLimanual**

You can also scan the QR code below.

All resources referenced as well as additional resources are available on the TanzLi Google Drive which can be accessed from the following link.
🔗 **https://bit.ly/TanzLiresources**

You can also scan the QR code below

How to use a QR code:
To scan a QR code, simply open the camera on your phone or tablet and point it at the code. A notification or link will appear on your screen. Tap the link to open the page or resource connected to the code. No special app is needed on most devices.

Table of Contents

Part 1: Foundations of Legal Research

Overall Session Timing: 09:30 – 10:45 (75 minutes)

Micro-Module Card Template

Trainer Card

Field	Details
Aim	Equip participants with a repeatable 7-step method for solving complex Tanzanian research problems using authoritative sources and TanzLII.
Total time	**75 minutes** · 45 min theory + demos · 30 min hands-on
Key concepts	Source hierarchy → 7-Step Flow → keywords & connectors → currency checks → recording citations
Live demo	Live search on TanzLII
Likely questions	Where do I get uncommenced amendments? · What if the judgement isn't online?
Pitfalls	Skipping Hansards, citing superseded statutes, confusing *ratio* with *obiter*

This session introduces participants to the basics of legal research. It covers the main sources of law, the steps involved in carrying out legal research, and how to approach a legal problem by identifying the key issues and planning an effective search.

Learning Objectives:

By the end of this session, participants will be able to:
- Explain what legal research is and why it matters in the Tanzanian judicial system.

- Distinguish between primary and secondary sources of law, using examples from Tanzania.
- Describe the key steps in the legal research process and strategies used to guide research.
- Identify legal issues and generate useful keywords to support effective legal research.

What is Legal Research?

Legal research is a structured process used to find the information needed to make informed legal decisions. It involves more than just collecting documents. It includes finding, understanding, and analysing laws, legal principles, and past court decisions, and applying them to real legal issues or facts.

Importance of Legal Research:

- **Informed Legal Arguments**: Legal research forms the basis for strong and persuasive arguments in court, legal opinions, and policy advice.
- **Sound Judicial Reasoning**: It helps judges and magistrates make decisions that are well-reasoned, in line with the law, and that support the development of consistent case law.
  Efficient Case Management: Good research skills allow legal professionals to quickly find the relevant laws and cases they need, which helps reduce delays and speed up the handling of cases.
- **Upholding the Rule of Law**: By relying on established legal principles, legal research ensures that decisions are fair, predictable, and based on the law.

Legal research involves a multi-faceted approach:

- Finding primary sources of law: cases, statutes, regulations, etc.
- Searching secondary authority: law journals, legal dictionaries, legal commentary, legal treatises, and legal encyclopaedias.

- Searching non-legal issues: for investigative or supporting information relevant to a legal matter.

Legal Research Foundations

The bedrock of effective and efficient practice of the law lies in competent legal research. It's about finding and analysing legal information strategically.

Sources of Legal Information:

Legal information comes from two main types of sources: primary and secondary. Knowing the difference between them is important for carrying out effective legal research.

Primary vs. Secondary Sources of Law

Characteristic	Primary Sources	Secondary Sources
Authority	Authoritative statements	Analytical and interpretive
Examples	Constitution, statutes, case law	Journals, commentaries, reports
Usefulness	Binding precedent	Understanding legal concepts

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- **Primary Sources:** These are the authoritative statements of the law, directly issued by governmental bodies. They include:
  The Constitution: The supreme law of the United Republic of Tanzania.

- ○ **Statutes/Legislation:** Acts of Parliament (e.g., The Penal Code, The Criminal Procedure Act) and subsidiary legislation (regulations, rules, by-laws) enacted by legislative bodies.
  - ○ **Case Law:** Judicial decisions from courts, particularly those of higher courts. These decisions set legal precedents that lower courts must follow.
- ● **Secondary Sources:** Secondary sources explain, analyse, and comment on the law. They help make sense of complex legal issues and can point you to relevant primary sources. Examples include:
  - ○ **Journals and Law Reviews:** Scholarly articles that provide in-depth analysis of specific legal issues.
  - ○ **Commentaries:** Expert explanations and interpretations of statutes or legal principles, often written by legal experts.
  - ○ **Reports:** Documents from commissions or legal bodies that review legal problems or suggest changes to the law.
  - ○ **Legal Dictionaries and Encyclopaedias:** Definitions of legal terms and summaries of legal topics.
  - ○ **Legal Treatises:** Comprehensive books that cover specific areas of law.

Research Strategy:

Having a clear and structured approach is essential for successful legal research. A good research strategy helps you:
- ● Identify the legal issues correctly.
- ● Find and understand the relevant law.
- ● Apply it with confidence.
- ● Ensure your research is complete, accurate, and reliable.

The general strategy involves:
1. **Identify the Legal Issue:** Clearly state the legal question or problem. Focus on the key facts and the area of law involved.

2. **Choose Keywords:** Create a list of relevant keywords and phrases. Include synonyms, broader terms, and more specific terms to improve your search results.

3. **Make a Search Plan:** Decide where and how to search. Start with secondary sources to understand the background, then move on to primary sources such as legislation and case law. Choose the most useful databases or libraries for each stage (often starting with secondary sources for background, then moving to primary).

How to approach legal research?

Identify Legal Issue	Brainstorm Keywords	Develop Search Plan
Clearly define the legal question and key facts to focus research.	Generate a comprehensive list of keywords to guide search.	Create a structured plan for where and how to search.

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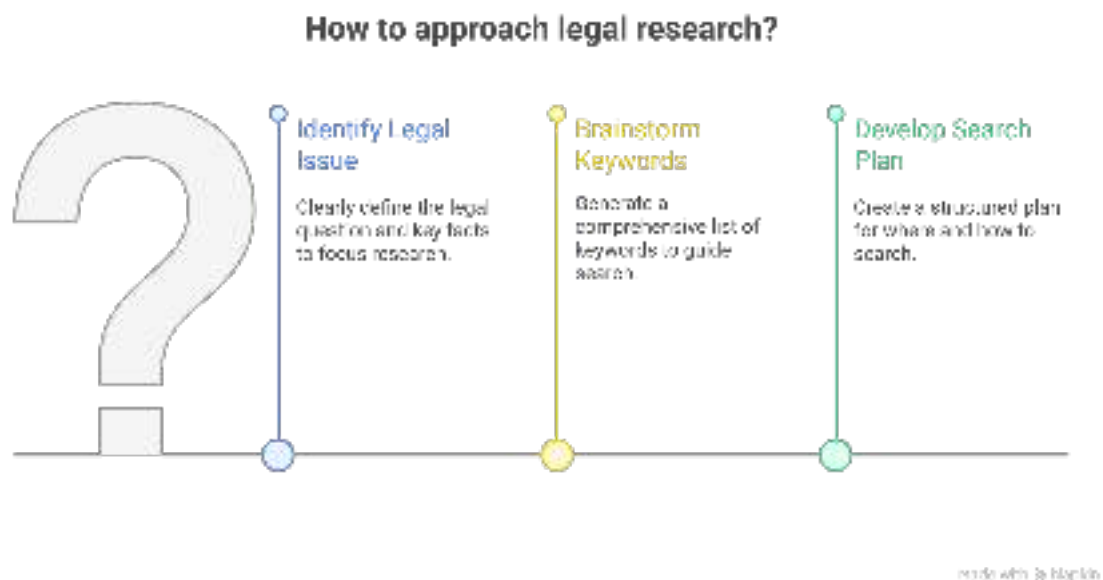
The Legal Research Process

Legal research should follow a clear step-by-step process. This helps ensure that your findings are complete, accurate, and relevant. The process often involves going back and forth between steps as your understanding of the issue improves

The Research Cycle

1 Analyse Problem — Understand facts and formulate questions

2 Use Secondary Sources — Gain overview and refine understanding

3 Follow Leads to Primary Sources — Locate and read relevant laws

4 Review and Refine — Critically assess and adjust strategy

5 Check for Currency — Ensure sources are up-to-date

6 Document and Organise — Maintain records and cite sources

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1. **Analyse the problem and develop your search strategy:**
    ○ Begin by carefully reviewing the facts and context of the legal issue.
    ○ Identify the parties involved, the type of dispute, and the outcome being sought.
    ○ Turn the issue into clear and focused legal questions.
    ○ List keywords, legal terms, and related concepts that will help with your search.
    Decide on the scope of your research, such as the jurisdiction or time period to focus on.

2. **Use secondary sources:**
    ○ Start with secondary sources to build a general understanding of the legal area.
    ○ These sources explain legal concepts, provide background, and often point you to key laws and cases.
    ○ They help you understand the issue more clearly and guide you to the most relevant primary sources.

3. **Follow leads to primary sources:**
    ○ After reviewing secondary sources, move on to the primary sources of law.
    ○ Find and read the statutes, regulations, and court decisions that apply to your issue.
    ○ Focus on the exact wording of the law and how judges have explained and applied it in past cases.

4. **Review and refine:**
    ○ Carefully assess the primary sources you have found.
    ○ Check whether they clearly answer your legal question and whether they are consistent with each other.
    ○ Look out for any conflicting interpretations or gaps in the law.

- Adjust your search terms or approach if needed. This may include going back to secondary sources or searching for additional primary materials.

5. **Check for currency:**
   - Laws are often updated, so it is important to make sure the sources you use are still valid.
   - For statutes, check whether they have been amended or repealed.
   - For case law, confirm that the decision is still good law and has not been overturned or changed by later cases.
   - Use legal databases that offer tools for tracking updates, such as annotations, case history, or legislative timelines.

6. **Document, organise and reference:**
   - Keep clear and detailed records of your research.
   - Note the databases you used, the keywords you searched, and the sources you found.
   - Organise your findings in a way that makes them easy to follow, such as by legal issue or source type.
   - Make sure to reference all materials correctly, using accepted citation formats. Proper referencing is essential for legal writing and allows others to follow and check your work.

Legal Case Analysis Process

Fact Pattern Analysis
Identify and summarize key facts of the case

Issue Formulation
Formulate precise legal questions from facts

Keywords & Search Queries
Brainstorm keywords and queries for TanzLII

Legal Issues
List main legal questions raised in the case

Source Selection
Choose primary and secondary sources for research
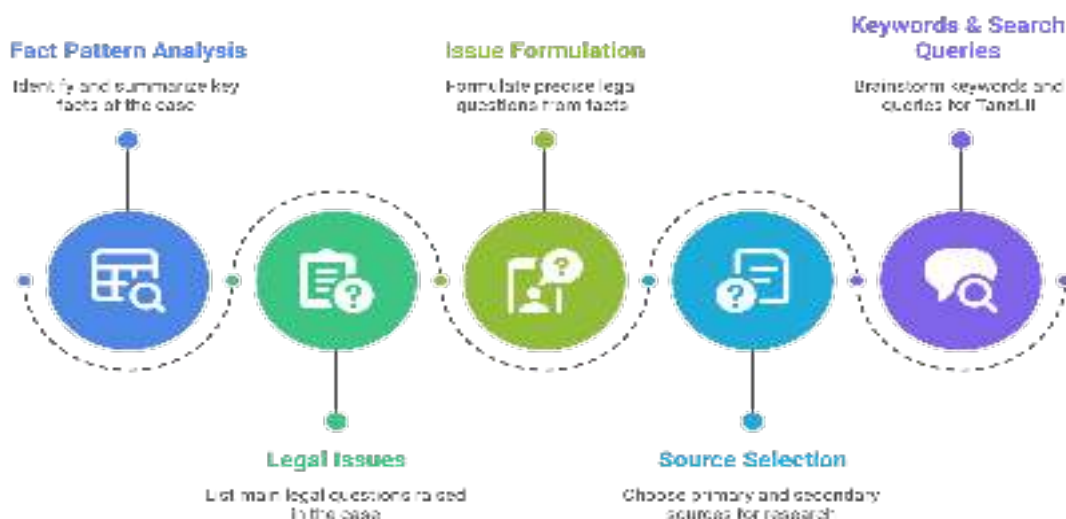
Participant Task

Hypothetical scenario on Fact Pattern

(based on [Stephen Tumain Mduma vs Republic (Misc. Criminal Application No. 000004148 of 2024) [2024] TZHC 1491 (17 April 2024)](#))

Joseph Mwita has been convicted of manslaughter and sentenced to seven years in prison. After filing a notice of appeal to appeal his conviction and sentence. He applies to the High Court for bail while waiting for his appeal to be heard. The court refuses his application, stating that there are no *"exceptional or unusual"* circumstances to justify bail.

Several months later, Joseph files a second application for bail pending appeal, this time with a new medical report. He brings the application before the same High Court. The State opposes the application, arguing that the court no longer has the power to consider it because it already made a decision on the matter (*functus officio*).

Trainees must research:

1. The legal test for bail pending appeal in Tanzania.
2. Whether the High Court has jurisdiction to entertain a second application on new facts after refusing the first (doctrine of *functus officio*).
3. How to apply/distinguish precedent.

Model Answer / Teaching Notes

1. Frame the Issues

- **Issue 1:** What constitutes "exceptional or unusual circumstances" to justify bail pending appeal? (Chances of success + special circumstances such as serious illness.)
- **Issue 2:** Does the High Court become *functus officio* after refusing a bail-pending-appeal application on the merits, barring a second application?

2. Primary Authorities to Locate

- **Statutes:**
  - Appellate Jurisdiction Act, [Chapter 141](#) s. 10(1).
  - Criminal Procedure Act, [Chapter 20](#) s. 368(1)(a),(c)/(i).
- **Case Law (TanzLII):**
  - [Stephen Tumain Mduma vs Director of Public Prosecution (Misc.Criminal Application No.316 of 2024) [2024] TZHC 29 (8 January 2024)](#) – first refusal: ill health not exceptional/unusual.
  - [Stephen Tumain Mduma vs Republic (Misc. Criminal Application No. 000004148 of 2024) [2024] TZHC 1491 (17 April 2024)](#) – second application struck out; court held it was *functus officio.*
- **Persuasive foreign authorities on** *functus officio* cited in the judgment:
  - *Canadian Broadcasting Corp v Manitoba* 2021 SCC 33.
  - *Naransamy v Wasserman NO* [2022] ZALCC (SA).

3. Extract the Rules

Bail pending appeal test (from Tanzanian jurisprudence):

- Applicant must show overwhelming chances of success on appeal and/or exceptional or unusual circumstances (e.g., grave ill health inadequately managed in prison). In *Mduma (first application),* ill health alone, on the facts, was not exceptional.

Functus officio (as applied by Kirekiano, J):

- Once the court has finally determined a bail application on the merits, it cannot reconsider the same matter; jurisdiction is exhausted (subject to appeal).
- The judge rejected the argument that refused ≠ dismissed; either way, the prior decision was final.

4. Apply to the Hypothetical

- Second Application: Since Joseph's first application was refused on the merits, the High Court is *functus officio*. The proper route is appeal to the

Court of Appeal, not re-application at the High Court.

- New Evidence Argument: The court in *Mduma* examined the new facts" claim (fresh medical report) and still held f*unctus officio* applies. The difference in facts did not reopen jurisdiction.

Possible nuance for trainees to argue:

- If the first decision was procedurally defective or expressly left room for renewal on new facts, a second application might be entertained. But in *Mduma*, the court found the first ruling final.

5. Research & Citation Process (Demonstrate)

- **Search terms on TanzLII:** "bail pending appeal", "exceptional and unusual", "functus officio", "second application bail".
- **Filter:** Judgments → Year 2024–2025 → High Court / Court of Appeal.

Teaching Approach

1. **Walk trainees through the TanzLII search live.**
   - Show filters,neutral citations, and paragraph pinpoints.
2. **Have trainees draft their own two research questions first**
   - don't give them yours yet.
3. **Group work:**
   - Each group finds one additional supporting case (e.g., another bail-pending-appeal decision) and reports the rule.
4. **Debrief:**
   - Compare their answers to the *Mduma* solution; highlight how the court reasoned f*unctus officio* and what "finality" means.
5. **Reflection:**
   - Ask: If you were counsel, what procedural step would you take next? (Appeal vs. renewed motion?) Why?

Part 2: Mastering Tanzanian Legal Resources (Hands-On)

Micro-Module Card Template

Trainer Card

Field	Details
Aim	Enable participants to use Tanzanian secondary and non-legal sources to shorten research time, surface primary authority, and integrate Gazette-noticed facts and statistics into sound legal reasoning.
Total time	30 minutes • 15 min theory + demos • 15 min hands-on
Key concepts	Primary vs secondary authority → credibility & weight → footnotes as roadmaps → s. 59 Evidence Act (Cap 6) (judicial notice of gazetted facts) → using NBS data & policy papers for context → OSCOLA-TZ citations (journals, GN, Hansard, statistics)
Live demo	1) TanzLII › Legal Journals (or UDSM Repository) → open an article (e.g., customary succession) → follow a footnote to a statute section & case. 2) Gazette (pre-saved PDF if offline) → show a Gazette Notice evidencing a company/society registration 3) NBS site (or pre-saved table) → display a relevant table (title, year) → show how to reference and explain its contextual (not binding) role.

Likely questions	Can I cite a law-review article in a judgment? What weight does it carry?" How exactly do I cite a Gazette Notice (GN no./vol./date/page)? • "Is Hansard admissible and where do I find it? • May I rely on statistics from NGOs or media summaries?"
Pitfalls	• Treating secondary sources as binding law. • Using undated/unsourced PDFs or blog posts without verifying provenance. • Mis-citing or paraphrasing GN without full citation. • Quoting statistics without title/year/source or overstating them as law. • Failing to tie every proposition back to primary authority (statute/case).

This part of the course teaches practical skills for finding primary legal materials in Tanzania. It focuses mainly on using **TanzLII** (Tanzania Legal Information Institute), which is the main online platform for accessing Tanzanian laws and court decisions.

Participants will explore the most important legal research tools available in Tanzania, both online and in print. They will learn how to search and navigate TanzLII, how to access official government publications, and how to use physical law libraries. By the end of the session, participants should feel confident in finding and using Tanzanian legal sources in their daily work.

Learning Objectives:

By the end of this session, participants will be able to:
- Use the Tanzania Legal Information Institute (TanzLII) to find legislation and case law.
- Identify and access other key online sources of Tanzanian legal information, such as government websites and parliamentary records.
- Understand the value of offline legal resources in Tanzania and know

how to access them, including the National Archives and legal libraries.

- Use advanced search techniques, such as Boolean operators and exact phrase searches, within Tanzanian legal databases.

Trainer Talking Points: Using TanzLII for Legal Research

- Introduction to TanzLII:
  - Explain that TanzLII is a free legal research website that provides access to Tanzanian laws and court decisions.
  - Highlight its role in supporting access to justice and promoting transparency in the legal system.
  - Emphasise that it is widely used by lawyers, judges, and researchers.
- Website Overview:
  - Walk participants through the TanzLII homepage.
  - Point out key sections, including:
    - Legislation
    - Case Law
    - Gazettes
- Searching Legislation:
  - Show how to use basic keyword searches (e.g. *Penal Code, Evidence Act*).
  - Demonstrate how to use quotation marks for exact phrase searches (e.g. *"Economic and Organised Crime Control Act"*).
  - Crucial Feature: "History" Tab: Emphasise its importance for tracking amendments and repeals. Show how to check when a specific section was last amended.
  - "Uncommenced Provisions" Tab: Explain that these are laws or parts of laws enacted but not yet brought into force. Provide a hypothetical example where this would be critical.
- **Searching Case Law:**
  - Demonstrate how to search by:
    - Case name (e.g. *Ramadhan Hamis*)

- - - Case number (e.g. *Civil Case 22 of 2023*)
      - Keywords found in the judgment text
    - Explain the types of case law available on TanzLII, including:
      - Tanzania Law Reports (TLR)
      - Case Digests
    - Stress the importance of reading the full judgment, not just the summary or headnote, to understand the reasoning of the court (ratio decidendi).
- Practical Demo:
  - Conduct a live demonstration showing how to search for legislation and case law on TanzLII.
  - Walk participants through key features, including how to:
    - Enter keyword and exact phrase searches
    - Use the "History" and "Uncommenced Provisions" tabs
    - Search for case law using names, case numbers, or keywords
  - Activity: TanzLII Exploration Challenges
    - Distribute the *"TanzLII Exploration Challenges"* worksheet from the Participant Workbook.
    - Participants will complete a series of tasks using TanzLII to practise searching for laws and cases.
  - Expected outcomes: By the end of this session, participants should be able to:
    - Navigate TanzLII with confidence.
    - Carry out focused searches for Tanzanian legislation and case law.
    - Identify when a law has been amended or is not yet in force.
  - Materials needed
    - Projector and trainer's computer for live demo
    - Internet-connected laptops or computers for participants (if

available)

- ■ Copies of the *"TanzLII Exploration Challenges"* worksheet

Video: https://help.tanzlii.org/finding-information/search-for-content

Finding Primary Authority: Legislation

Legislation is a key part of Tanzania's legal system. TanzLII offers free online access to the consolidated laws of Tanzania, which are updated regularly through weekly legislative supplements.

It is important to remember that Tanzania Mainland and Zanzibar have separate legal systems. A law passed in one part does not automatically apply in the other. For a law to apply in both jurisdictions, one of the following must happen:

- The law must clearly say that it applies to both Mainland and Zanzibar, or
- A similar law must be passed separately in the other jurisdiction.

Examples:

- Immigration Act, 1995 [Chapter 54](#) expressly applies to both Mainland Tanzania and Zanzibar, including provisions governing Tanzanian citizens.
- Regions and Districts (Establishment Procedure) Act [Chapter 397](#) is a statute whose operation covers both jurisdictions

Navigating TanzLII for Legislation:

1. **Accessing the Legislation Database:** Visit the TanzLII website (www.tanzlii.org). Look for a clear link or tab for "Legislation" or "Acts & Subsidiary Legislation."
2. **Searching for Specific Legislation:**
    - **By Title:** If you know the full or partial title of an Act, use the search bar or browse alphabetically.
    - **By Subject/Keywords:** Use relevant keywords if you are researching a particular area of law (e.g., "unfair termination," "penal code," "land acquisition").
    - **By Year:** TanzLII allows filtering legislation by the year it was enacted.

The steps to be followed while searching for legislation on TanzLII can be found here: https://help.tanzlii.org/legislation/finding-legislation

- At the top of the page, click on Legislation.
- Narrow your search by clicking on either Current legislation, Recent legislation, Subsidiary legislation, Uncommenced legislation, Repealed legislation, or All legislation.
  - **Current legislation:** Legislation that is currently in force. Subsidiary legislation is grouped under each principal Act
  - **Repealed legislation**: Legislation that has been repealed and is no longer in force.
  - **Subsidiary legislation**: Regulations and other secondary legislation.
  - **Uncommenced legislation:** Legislation that has been enacted by a legislative body but has not yet come into effect.
  - **All legislation:** A complete list of all legislation including principal Acts, subsidiary, and repealed legislation.

(Figure: searching the TanzLII database for legislation)

Commencement Date

It is important to know when a law comes into force. This is called its **commencement date**. In Tanzania, legislation can start in different ways:
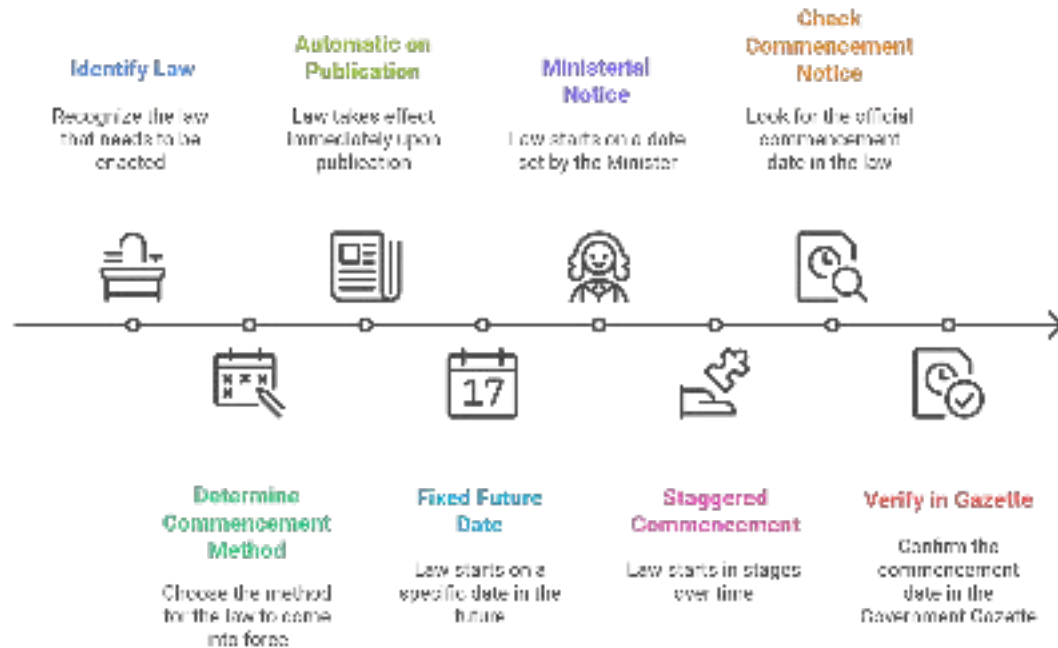
- **Automatic on publication**: If the law says, *"This Act shall come into operation on the date of its publication in the Gazette,"* it takes effect immediately.
- **Fixed future date**: The law states a specific start date, such as *1 January 2026*.
- **By ministerial or Gazette notice**: The law will say that it comes into effect on a date set by the Minister and published in the Gazette. Until that notice appears, the law (or that section) is not in force.
- **Staggered commencement**: Some laws start in stages, with different sections or parts taking effect on different dates. This is common with major reforms.

Single Commencement Date: Most laws in Tanzania come into force on a single date, which is usually stated in the Act. For example, the Act may say:

> *"This Act shall come into operation on such day as the Minister may, by notice in the Gazette, appoint."*

Ascertaining the Date: To find out when a law came into force, look for a section titled "Commencement Notice" or "Date of Commencement" within the Act on TanzLII. If it is not clearly stated there, check the relevant Government Gazette, where the official commencement date is usually published.

Commencement of Laws in Tanzania

Identify Law

Recognize the law that needs to be enacted

Automatic on Publication

Law takes effect immediately upon publication

Ministerial Notice

Law starts on a date set by the Minister

Check Commencement Notice

Look for the official commencement date in the law

Determine Commencement Method

Choose the method for the law to come into force

Fixed Future Date

Law starts on a specific date in the future

Staggered Commencement

Law starts in stages over time

Verify in Gazette

Confirm the commencement date in the Government Gazette

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Tanzania

Anti-Money Laundering Act

Chapter 423

Published in Tanzania Government Gazette ? on 12 January 2007

Commenced on 1 July 2007 by Anti-Money Laundering Act (Date of Commencement) Notice, 2007

[This is the version of this document from 8 March 2022.]

[Note: This legislation was revised and consolidated as at 31 July 2002 and 30 November 2019 by the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. All subsequent amendments have been researched and applied by Laws Africa for TANZLII.]

[Amended by Anti-trafficking in Persons Act, 2008 (Act 6 of 2008) on 1 February 2009]

[Amended by Anti-Money Laundering (Amendment) Act, 2012 (Act 2 of 2012) on 24 February 2012]

[Amended by Written Laws (Miscellaneous Amendments) Act, 2013 (Act 1 of 2013) on 10 May 2013]

[Amended by Cybercrimes Act, 2015 (Act 14 of 2015) on 1 September 2015]

[Amended by Written Laws (Miscellaneous Amendments) (No. 2) Act, 2016 (Act 4 of 2016) on 8 July 2016]

[Amended by Finance Act, 2020 (Act 8 of 2020) on 1 July 2020]

[Amended by Anti-Money Laundering (Amendment) Act, 2022 (Act 2 of 2022) on 8 March 2022]

[Acts Nos. 12 of 2006; 6 of 2008; 1 of 2012; 1 of 2013; 14 of 2015; 4 of 2016]

An Act to make better provisions for the prevention and prohibition of money laundering, terrorist financing and proliferation financing, to provide for the disclosure of information on money laundering, terrorist financing and the proliferation financing, to establish a Financial Intelligence Unit and the National Multi-Disciplinary Committee on Anti-Money Laundering, Counter Terrorist Financing and Counter Proliferation Financing and to provide for matters

(Figure: Legislation commencement date on TanzLII)

As seen in the image above, the commencement date is located under the title of the act, for your convenience. In addition the statutory instrument that commences the act is provided and linked for your perusal.

This video describes how to identify commencement dates:

https://help.tanzlii.org/legislation/commencements

Multiple Commencement Dates

Some laws, especially those that are long or introduce major changes, may come into force in stages. This means different sections start on different dates.

- **Example:** A large reform Act might have its administrative provisions commence immediately, while substantive legal changes take effect later.
- **Locating Information:** TanzLII will usually indicate if an Act has multiple commencement dates, often linking to the specific Gazette notices for each part.

(Figure: Electricity Act showing multiple commencement dates)

Uncommenced provisions

These are parts of a law that have been passed by Parliament but have not yet come into force. Until a commencement date is set or a notice is published in

the Gazette, these provisions are not legally active and cannot be used or enforced in court.

On TanzLII, uncommenced provisions are usually noted in the introduction section of the Act. You can also find a list of all uncommenced provisions across different laws in the dedicated section of the website.

(Figure: Railways Act, 2017 showing an uncommenced provision)

This video gives guidance on how to find uncommenced provisions on TanzLII:

https://www.youtube.com/watch?v=dHLdNnHthLc&ab_channel=Laws.Africa

Legislation Not Yet in Force

Sometimes a law has been passed by Parliament but has not yet started to operate. This means it has no legal effect until a commencement condition is met, such as publication of a notice in the Gazette.

- **Identification:** On TanzLII, such laws are often clearly labelled with a message like: *"This Act has not yet come into force."* There may also be a banner on the page showing if only part of the law is in force. This helps users avoid relying on sections that are not yet active.

- **Implication:** Laws that have not commenced cannot be used in court or included in legal arguments. It is important to regularly check the Government Gazette for updates on commencement dates.

On TanzLII, a banner appears at the top of an Act when only some parts of the law have come into force. This warning helps users avoid mistakenly relying on sections that are not yet legally in effect. It is a useful feature for ensuring that only current and enforceable provisions are used in legal work.

(Figure: An Act that has not yet come into force)

Changes to Legislation

Legislation is dynamic and can be amended, repealed, or uncommenced.

Amendments: Look for amending Acts that modify existing legislation. TanzLII often provides a "History" tab for each Act, detailing changes a piece of legislation has undergone.

(Figure: changes to the Access to Information Act)

Additionally, there will be a banner indicating if there are outstanding amendments yet to be applied in the legislation.
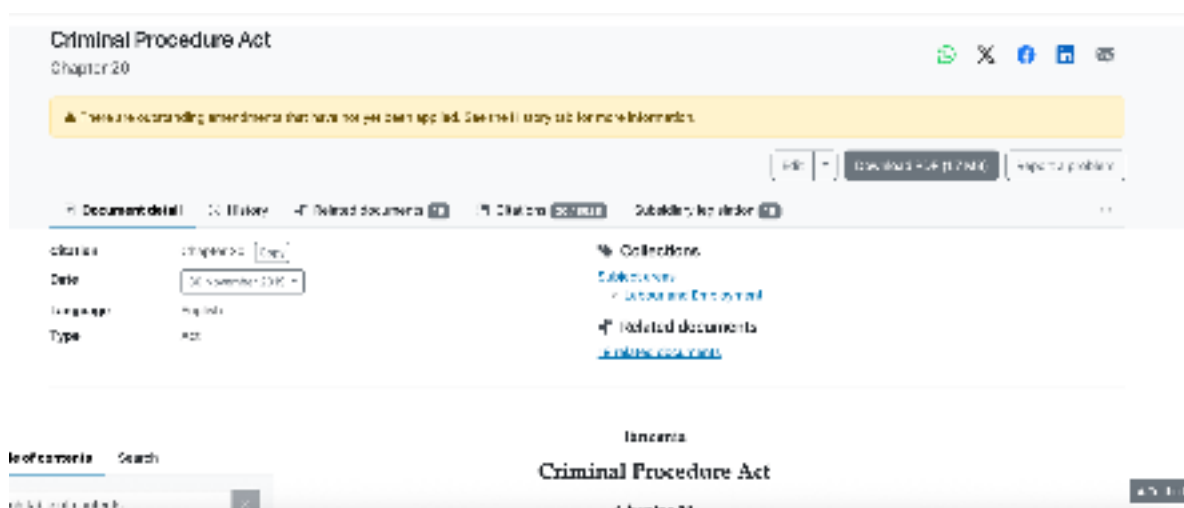
(Figure: banner indicating there are outstanding amendments in the Criminal Procedure Act)

Importance of Amendments in Legal Research:
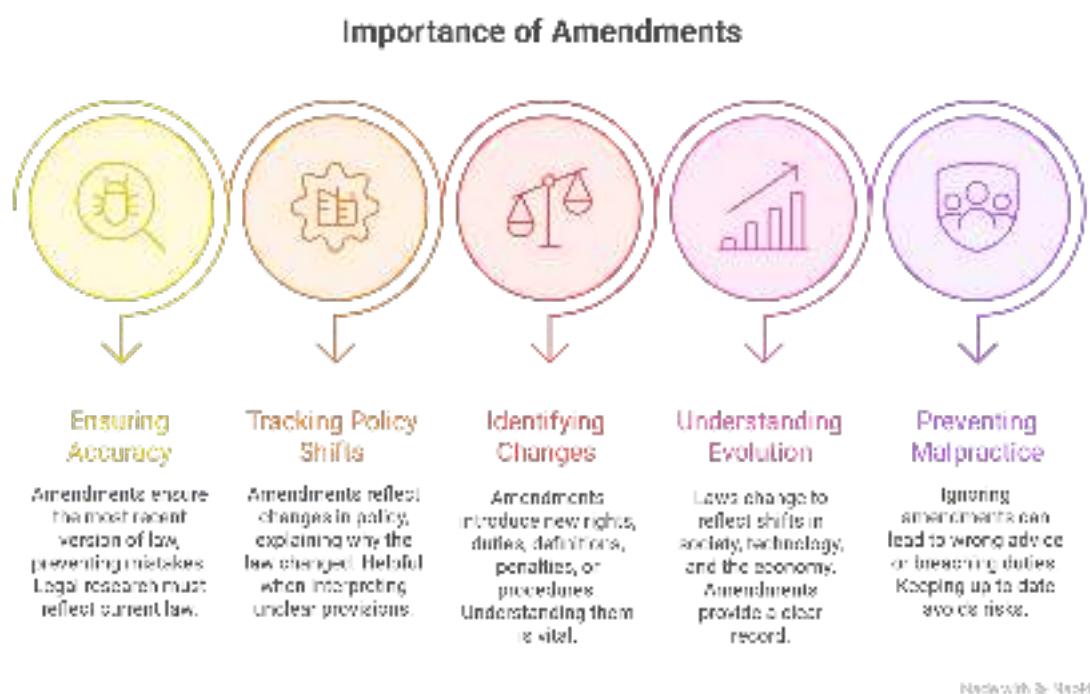
Understanding how and when a law has been amended is essential for accurate and reliable legal research. Amendments can significantly affect the meaning and application of the law. Below are the main reasons why they matter:

- **Ensuring Currency and Accuracy:** Amendments show the most recent version of a law. Using outdated or unamended laws can lead to mistakes in legal advice, flawed arguments, or incorrect court decisions. Legal research must always reflect the law as it currently stands.

- **Tracking Legislative Intent and Policy Shifts:** Amendments often reflect changes in government policy or responses to new challenges. Analysing them can help explain why the law was changed and how lawmakers intended it to work. This is especially helpful when interpreting unclear legal provisions.

- **Identifying Substantive Changes and Their Impact:** Amendments can bring in new rights, duties, definitions, penalties, or procedures. These changes can significantly affect how the law is applied. Understanding them is vital when advising clients, drafting legal documents, or making judicial decisions.

- **Understanding Legal Evolution:** Laws change to reflect shifts in society, technology, and the economy. Amendments provide a clear record of how the law has developed. This can help legal professionals understand past trends and anticipate future ones.

- **Preventing Malpractice and Ensuring Compliance:** Ignoring amendments can lead to serious consequences, such as giving wrong legal advice, misinterpreting obligations, or breaching professional duties. Keeping up to date with changes in the law helps avoid these risks and supports full legal compliance.

Legal researchers should always review legislative amendments carefully. Tools like the **"History" tab on TanzLII** make it easier to track changes and

ensure that your research is accurate, up to date, and fit for use in legal practice.

Importance of Amendments

Ensuring Accuracy	Tracking Policy Shifts	Identifying Changes	Understanding Evolution	Preventing Malpractice
Amendments ensure the most recent version of law, preventing mistakes. Legal research must reflect current law.	Amendments reflect changes in policy, explaining why the law changed. Helpful when interpreting unclear provisions.	Amendments introduce new rights, duties, definitions, penalties, or procedures. Understanding them is vital.	Laws change to reflect shifts in society, technology, and the economy. Amendments provide a clear record.	Ignoring amendments can lead to wrong advice or breaching duties. Keeping up to date avoids risks.

Unconstitutional provisions

These are parts of a law that a court has ruled to be against the Constitution. Although they remain in the text of the law, they cannot be enforced.

On TanzLII, unconstitutional provisions are clearly listed and tracked. They remain marked as such until Parliament either amends or repeals them. Once the issue is resolved, the status is updated on the site. This helps users avoid relying on provisions that are no longer valid.

(Figure: Unconstitutional provisions on TanzLII)

Repeals

When an Act is repealed, it is no longer part of the law and cannot be relied on. Legal researchers must always check that they are using the current version of a law.

On **TanzLII**, repealed laws are clearly marked with a banner that says:

> *"You are viewing repealed legislation which is no longer in force."*

This helps users avoid using laws that have been removed from the legal framework.

(Figure: repealed legislations on TanzLII)

Repealed laws, meaning laws that are no longer in force, still play an important role in legal research. Understanding them helps explain how the law has changed and why. Below are the main reasons why repealed legislation remains relevant.

1. **Understanding Legal Evolution and Legislative Intent:**
   - **Historical Context:** Repealed laws provide valuable insight into how legal principles, public values, and policy goals have developed over time. Understanding what the previous law aimed to achieve, and why it was removed or replaced, helps explain the purpose behind the current law.
   - **Dynamic Nature of Law:** Repeals show that law is not fixed. It evolves to meet changes in society, the economy, and culture.
   - **Using Hansards**: The Hansard is the official record of parliamentary debates. It helps legal researchers understand what lawmakers intended when they passed or repealed a law. Hansards are also useful for tracing the development of legislation through committee reports and debates.
     - Tanzania's Hansards are accessible on the Parliament of Tanzania website in PDF form https://www.bunge.go.tz/hansards-list and also available on TanzLII at https://tanzlii.org/hansards.

   This video gives guidance on repealed legislations:

   https://help.tanzlii.org/legislation/repealed-legislation-how-to-find-it

2. **Interpreting Current Law:**
   - **Transitional Provisions and Savings Clauses:** When a law is repealed and replaced, the new law often includes transitional provisions or savings clauses. These clauses are used to keep certain rights, duties, or legal proceedings from the old law in place for a specific purpose or time. To fully understand how these clauses work, legal researchers must review the repealed law alongside the new one. This helps determine what remains valid, what has changed, and how the new law applies in practice.

(Figure: Savings clause in the Land Disputes Courts Act, 2002)

○ **Consolidation and Amendment:** When a law is repealed and re-enacted, especially through a consolidation process, it is important to refer to the earlier version to understand whether the law has changed or remained the same.For example, the Land Disputes Courts Act, Cap. 216, was originally passed as Act No. 2 of 2002. It was later consolidated as Cap. 216 (Revised Edition 2002) and again in Revised Edition 2019. In legal research, this matters in two key ways:

■ Continuity of Wording: If the wording of a section remains the same, earlier court decisions interpreting that section are still valid. It is safe to rely on past case law that dealt with the previous version of the law.

■ Correct Version for Past Events: If a case involves events that took place before the most recent revision, researchers must use the version of the law that was in force at that time. For example, for conduct that occurred in 2005, you

should refer to the Revised Edition 2002, even if the current law is the 2019 version.

- On **TanzLII**, when a law has been repealed, re-enacted, or consolidated, you can use the **"Compare Versions"** feature to see the differences between the current and earlier versions of the law.

3. **Advising on Past Transactions and Rights:**
   - Even after a law has been repealed, it may still apply to actions or legal relationships that took place while it was in force. Legal researchers must refer to the repealed law when dealing with past events, especially if the new law does not state that it applies retroactively.
   - **Governing Past Events:** Contracts, transactions, or actions that happened under the old law are usually judged according to that law, unless the new law clearly says otherwise.
   - **"Dead" but Relevant:** Although a repealed law is no longer in force, it is not treated as if it never existed. It still applies to completed events or where a savings clause protects earlier rights or obligations.
   - **Example:** The Value Added Tax Act, 1997 was repealed and replaced by the VAT Act, 2014. A taxpayer's supplies and assessments for financial year 2012 occurred while the 1997 Act was still in force. A dispute was filed later in 2020, the taxpayer challenges those assessments.

What to do on TanzLII:
1. Open the repealed Act: Search Value Added Tax Act, 1997 (Repealed) on TanzLII.
   - Confirm the exact sections that governed VAT refunds/assessments in 2012.

2. Check the new Act: Open the Value Added Tax Act, 2014 to see if Parliament gave it retroactive effect.
3. Read the repealing clause & savings clause: Look for wording like "Nothing in this Act shall affect proceedings commenced under the repealed Act…"
4. Locate case law on TanzLII: Filter Court of Appeal/Tax Tribunal decisions between 2015–2024. You'll find judgments where the court expressly says:
   ○ Because the transaction/assessment occurred pre-2014, the 1997 Act applies.
   ○ The 2014 Act cannot be used retroactively unless stated.
5. Cite the repealed section and note that it governed the 2012 event, even though it's now repealed.

   eg: The legal consequences of a 2012 transaction are governed by the 1997 VAT Act, not the 2014 Act, unless the latter clearly says otherwise. TanzLII lets you pull the repealed text and any savings clauses to support this position.

4. **Avoiding Errors and Ensuring Accuracy:**
   ○ Accurate legal research depends on using the most current version of the law. Researchers must always check whether a law has been repealed, amended, or replaced.This step is critical to producing reliable legal opinions, court submissions, and decisions.
   ○ **Currency and Validation:** Always confirm that the legal provision you are relying on is still in force. Checking for repeals is an essential part of validating whether a law can still be used as legal authority.

- ○ **Obsolete and Overlapping Laws:** From time to time, the government repeals outdated or overlapping laws to clean up the statute books. Knowing which laws have been repealed helps legal professionals avoid relying on provisions that are no longer valid or have been replaced.

Legal Interpretation and Application Process
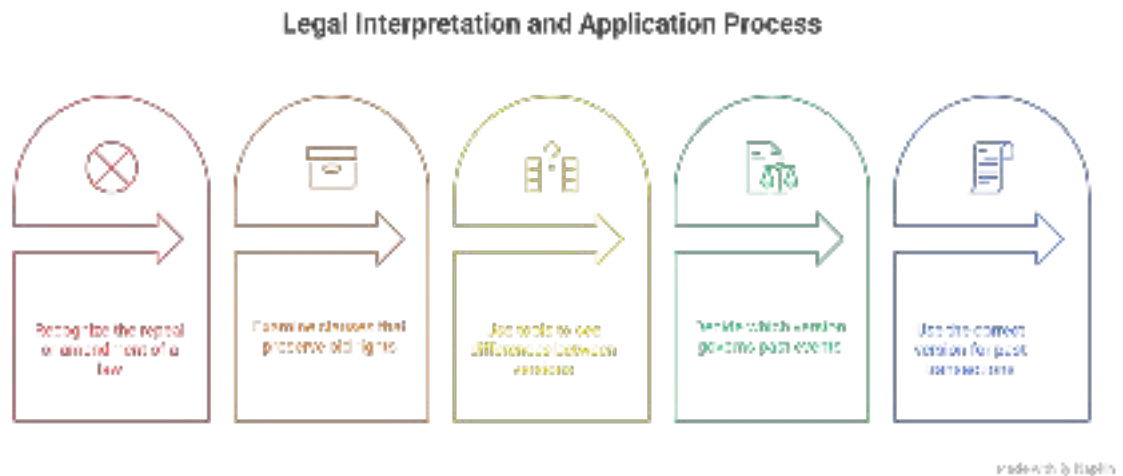
Consolidated Versions

TanzLII provides consolidated versions of Acts. This means that the original law has been updated to include all amendments made up to a certain date. These versions make it easier to read and apply the current law without having to cross-reference multiple documents.

Always check the "as at" date listed on the Act to know up to which point the law has been updated. This helps ensure you are working with the most accurate version available.

Importance and Role of Consolidated Versions in Legal Research:

Consolidated versions of legislation are essential tools for legal researchers. They offer several key benefits that improve accuracy, efficiency, and understanding:

- **Simplification and Ease of Access:** Consolidated versions combine the original Act with all later amendments into one updated document. This removes the need to cross-check multiple amending Acts and allows researchers to read the law as it currently stands, all in one place.

- **Ensuring Accuracy and Reliability:** By including all changes, consolidated versions help ensure that legal professionals are working with the most accurate and up-to-date version of the law. This reduces the risk of using outdated provisions or missing important amendments.

- **Time-Saving:** Without a consolidated version, a researcher would need to find the original Act and apply each amendment by hand. This takes time and increases the chance of making mistakes. Consolidated versions make research faster and more efficient.

- **Facilitating Understanding of Complex Legislation:** Some laws are amended many times and can become difficult to follow. Consolidated versions provide a cleaner, more readable format, making it easier to understand long or technical legislation.

- **Reducing Risk of Error:** Tracking and applying multiple amendments increases the chance of missing a change or applying it incorrectly. Consolidated versions reduce this risk by showing the complete, current text of the law.

- **Starting Point for Further Research:** A good consolidated version gives researchers a clear and reliable starting point. From there, they can go on to find related case law, policy materials, or commentary.

Comparing Versions

When a law has changed over time, it may be necessary to compare earlier versions to understand how it has evolved or to identify which version applied at a specific point in the past.

TanzLII offers a "compare versions" feature that lets users view and compare different historical versions of legislation. This is especially useful when

dealing with legal issues that occurred under a previous version of the law or when analysing how a statute has developed over time.

This tool supports accurate retrospective research and is valuable in cases that involve events or transactions across different legislative periods.

(Figure: Comparing the current and previous versions of a provision)

This video gives guidance on navigate and compare various versions of legislation on the platform.

https://help.tanzlii.org/legislation/how-to-explore-changed-legislation

Participant Task

Facts: A VAT dispute concerns supplies made in 2012. The taxpayer sues in 2020. TRA argues the VAT Act, 2014 governs; you think the VAT Act, 1997 applies.

1. Which Act governs the 2012 supplies? Give reasons.
2. Find and summarise the savings clause in the 2014 Act (1 sentence).
3. Identify one Court of Appeal case on TanzLII that still applied the 1997 Act after 2014; cite with pinpoint.
4. Draft a memo sentence: "Because the event occurred in 2012 …".

Model Answer / Teaching Notes

- Applicable law: VAT Act, 199, law in force at time of transaction; 2014 Act not retroactive (absent express wording).
- Savings clause: Preserves rights/obligations accrued under repealed law (paraphrase relevant section).
- Case example: [Commissioner General, Tanzania Revenue Authority vs Ecolab East Africa (Tanzania) Limited (Civil Appeal 35 of 2020) [2021] TZCA 283 (2 July 2021)](court analysed s.10 of 1997 Act) (court analysed s.10 of 1997 Act)
- Memo line: "Because the supplies occurred in 2012, the governing statute is the VAT Act, 1997; the 2014 Act does not apply retroactively."

Finding Primary Authority: Case Law

Case law, or judicial precedent, is a crucial primary source of law in Tanzania, particularly decisions from the High Court and Court of Appeal, which are the courts of record

Accessing Tanzanian Case Law:

1. **TanzLII (Tanzania Legal Information Institute):**
   - TanzLII is a key source for published judgments from the High Court and Court of Appeal. Judgments are uploaded on TanzLII by Judiciary of Tanzania staff. As such, these are authentic records of the judgments, as handed down by the courts.
   - You may browse for judgments by navigating to the "Judgments" section of the website.
   - You may also search by party name, case citation, court, judge, or keywords relating to the legal subject matter.
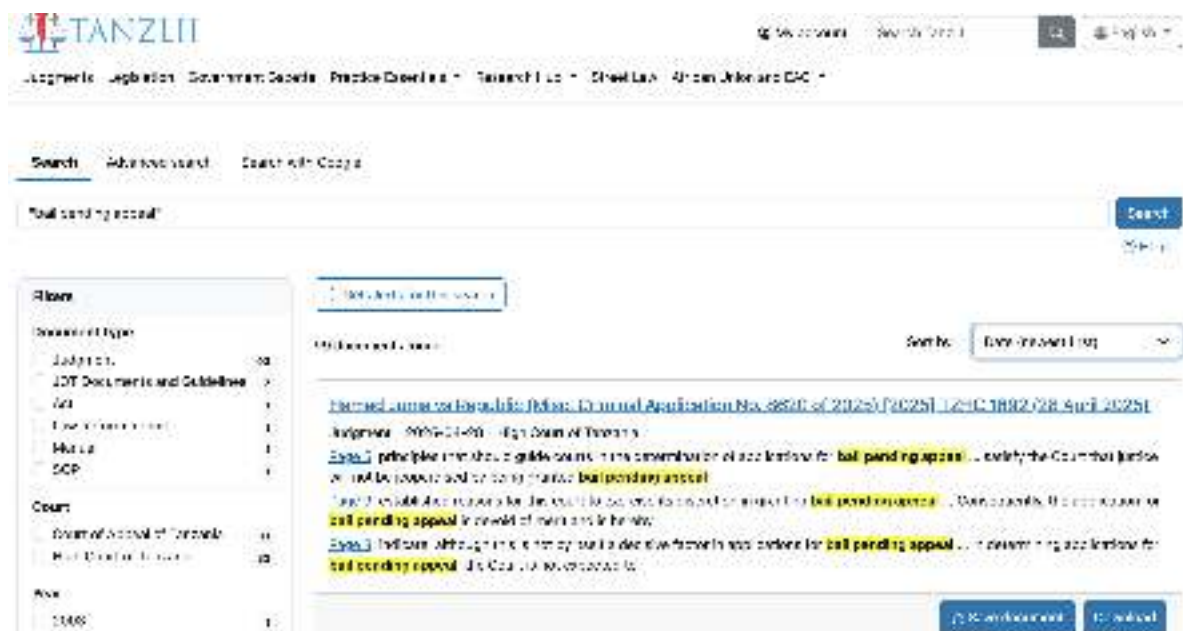
(Figure: searching the TanzLII database for a legal concept or keyword.)

(Figure: Judgment records on TanzLII provide you with essential information about the case)

(Figure: The PDF of the scanned judgment is displayed for ease of reading. Links to cases and legislation are provided for ease of consulting references.)

2. **Law Reports:**

    ○   Law reports have traditionally been the main source for accessing court judgments. Examples include the East Africa Law Reports and the Tanzania Law Reports. Although many judgments are now available through online databases, printed law reports are still available in some libraries and remain a useful resource.

    ○   These reports typically contain headnotes summarising the case, the facts, arguments, and the court's full judgment.
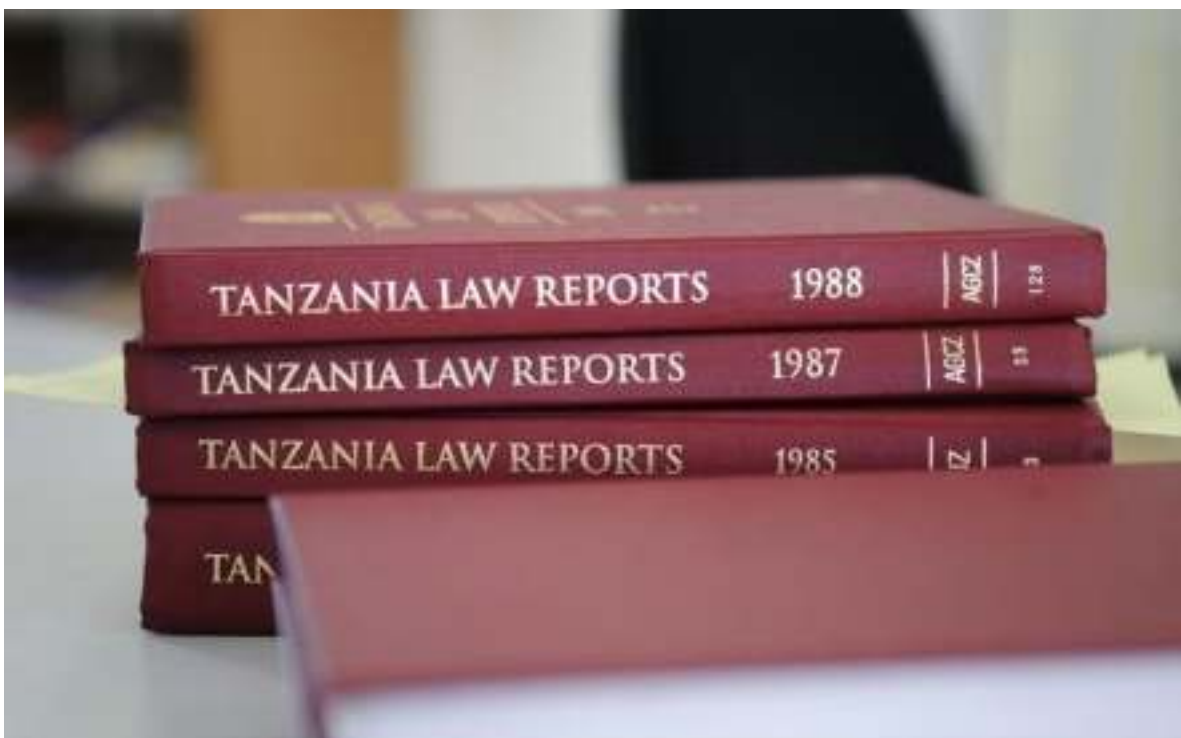
(Figure: Tanzania Law Reports)

The Tanzania Law Reports are available on TanzLII to registered users. Find them under the collections link: https://tanzlii.org/taxonomy/

The Tanzania Law Reports (TLR) contains the officially edited judgments of the Court of Appeal and High Court, complete with head-notes, catch-words and editorial summaries. TanzLII hosts the full PDF scans and searchable text. To access the TLR, hover over Collections on the main menu and click Tanzania

Law Reports, then go to Tanzania Law Reports by Year. You will be able to access the Tanzania Law Reports volumes for each year.

If a judgment on TanzLII has also been published in the law reports, there will be a green banner indicating that judgment has been reported and the law report citation will appear under the document detail tab.
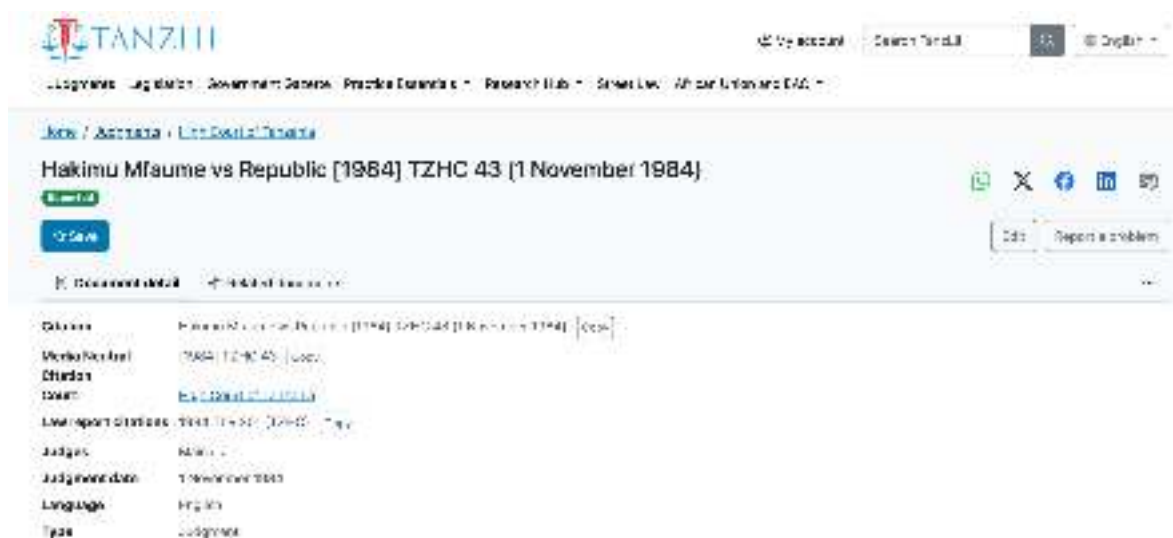
(Figure: Judgment that has been reported in the law reports)

3. **Commercial Legal Databases:**
    ○ **LawAfrica:** A prominent commercial database that provides access to a wide range of East African legal materials, including Tanzanian statutes and case law. Access often requires a subscription.
    ○ **JUTA:** Another commercial legal publisher and database that offers access to the historical Tanganyika Law Reports.

Understanding Tanzanian Precedent

The structure of Tanzania's judiciary determines how precedent works and which court decisions are binding on others.

Hierarchy of Courts:

- **Court of Appeal of Tanzania**
  - This is the highest court in the United Republic of Tanzania. Its decisions are final and binding on all lower courts and tribunals, whether the case originated in the Mainland or in Zanzibar.
- **High Court of Tanzania (Mainland)**
  - This court has unlimited original jurisdiction, meaning it can hear any type of case (civil and criminal). It also exercises original jurisdiction on constitutional matters and election petitions. It has a main registry and several sub-registries across the country.
- **High Court of Zanzibar**
  - The High Court of Zanzibar has exclusive original jurisdiction over all legal matters that arise in Zanzibar, just as the High Court of Tanzania does for the Mainland. Zanzibar's court system is similar to that of the Mainland, with one key difference: Zanzibar also has Islamic courts that handle Muslim family matters, including divorce, child custody, and inheritance.
  - The High Court of Zanzibar follows the same structure as the Mainland High Court. It hears appeals from lower courts in Zanzibar, including appeals from the Kadhi's Appeal Court. For these cases, the High Court of Zanzibar is the final court of appeal.
  - Decisions made by the Court of Appeal of Tanzania are binding on all courts below it in both Zanzibar and the Mainland.

- ○ Decisions of the High Courts (Mainland and Zanzibar) are binding on their respective subordinate courts.

Importance of Hierarchy in Legal Research

The court hierarchy in Tanzania is central to the principle of *stare decisis* (the doctrine of precedent), which means courts must follow legal principles set out in earlier decisions. Understanding this hierarchy is essential for legal researchers for several key reasons:

- **Knowing What Is Binding:** The main reason for understanding the court hierarchy is to identify which decisions are legally binding. A decision by a higher court must be followed by lower courts in similar cases.
  - ○ For example, a ruling by the Court of Appeal of Tanzania must be followed by the High Court and all subordinate courts when the facts are similar.
- **Weighing the Authority of a Judgment:** Not all court decisions have the same legal strength. Legal researchers need to focus on the most authoritative judgments when making legal arguments.
  - ○ Court of Appeal decisions carry the highest authority and must be followed by all lower courts.
  - ○ High Court decisions are binding only on courts below it, such as the Resident Magistrate's Courts, District Courts, and Primary Courts.
- **Supporting Legal Arguments and Advice:** To prepare legal arguments or give advice, researchers must identify which cases are binding. This ensures that the legal position is backed by strong authority. Knowing the hierarchy helps in choosing the best cases to support your position.
- **Predicting Judicial Outcomes:** By understanding which courts must follow which decisions, researchers can better predict how a case might be decided. This is important for planning legal strategy and assessing legal risk.

- **Avoiding Errors and Inconsistent Application:** Using a non-binding judgment as if it were binding, or ignoring a binding decision from a higher court, can lead to errors. These mistakes can cause appeals, inconsistent rulings, or even professional misconduct. The court hierarchy helps maintain consistency across the legal system.
- **Understanding Persuasive Authority:** Some decisions are not binding but can still be persuasive. These include:
    - Judgments from other countries with similar legal systems
    - Well-reasoned decisions from lower courts
    - Legal researchers must be able to tell the difference between **binding authority** and **persuasive authority**, and the court hierarchy is key to making this distinction.

Achieving Caselaw Research Proficiency

Understand Persuasive Authority
Differentiate between binding and persuasive legal authorities.

Avoid Legal Errors
Prevent mistakes by understanding binding and persuasive authorities.

Predict Judicial Outcomes
Anticipate how cases might be decided based on court hierarchy.

Support Legal Arguments
Use binding cases to strengthen legal arguments.

Weigh Judgment Authority
Assess the legal strength of different court judgments.

Identify Binding Decisions
Recognize which court decisions are legally binding.

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Ratio Decidendi

The *ratio decidendi* is the legal principle or rule on which a court's decision is based. It is the part of the judgment that is binding and must be followed by lower courts in future cases with similar facts.

Importance of Identifying the Ratio Decidendi in Legal Research:

Identifying the ratio decidendi is one of the most important skills in legal research. It is essential for the following reasons:

- **The Sole Binding Element:** In the common law system, only the ratio decidendi creates binding precedent(*stare decisis*). It is the legal rule the judge relied on to decide the case, based on the key facts. Other comments by the judge, known as obiter dicta, may be helpful but are not binding. If a researcher fails to correctly identify the ratio, the legal analysis may be incorrect.

- **Foundation of Future Legal Arguments:** Legal arguments often depend on applying the ratio from a previous case to new facts. Understanding the *ratio* helps determine whether a past case should be followed, distinguished, or extended in a new situation.

- **Guiding Principles for Lower Courts:** Lower courts are required to follow the *ratio decidendi* of decisions from higher courts. Identifying the correct ratio is therefore essential when advising clients or preparing a case, as it helps predict how a lower court is likely to rule.

- **Precision in Legal Reasoning:** Working out the *ratio* involves careful reading of the facts, legal issues, and reasoning in a judgment. This builds a researcher's ability to separate the key legal rule from general discussion or commentary.

- **Distinction from Obiter Dicta:** *Obiter dicta* are statements made "by the way" by the judge that are not central to the decision. These are not binding, although they may be persuasive. Being able to tell the difference between the ratio and obiter is a key part of strong legal research.

- **Predictability and Consistency:** The principle of *stare decisis* depends on following the *ratio decidendi*. This helps ensure that the law is applied consistently, allowing legal professionals to predict likely outcomes and give sound legal advice.

Foundations of Legal Precedent
Ratio Decidendi
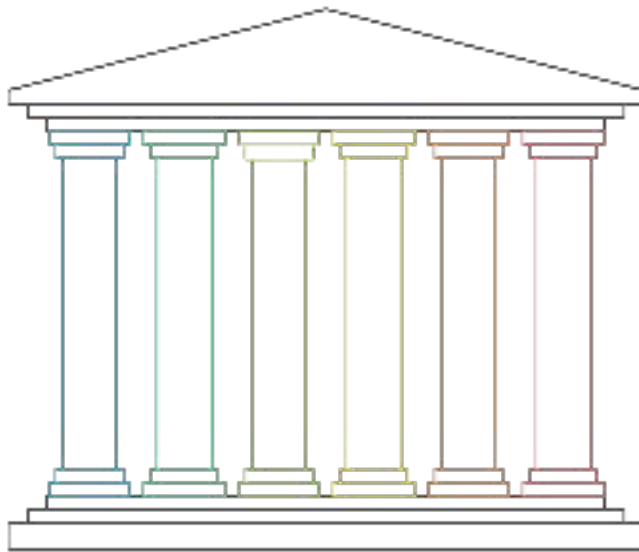
Binding Precedent

The ratio decidendi is the sole binding element in common law, creating legal precedent.

Future Arguments

Understanding the ratio helps apply past cases to new legal situations.

Leading Lower Courts

Lower courts must follow the ratio of higher court decisions.

Precision in Reasoning

Identifying the ratio enhances the ability to separate key legal rules.

Deterrence from Obiter

Differentiating between binding and non-binding statements is crucial.

Predictability and Consistency

Following the ratio ensures consistent application of the law.

Distinguishing and Overruling

Legal researchers must understand how courts either distinguish (finding material differences in facts) or overrule (declaring a previous decision wrong) previous decisions. These are key tools that allow the law to remain flexible and adapt to new circumstances.

- **Why these Concepts Matter:** While the doctrine of *stare decisis* promotes consistency by requiring courts to follow earlier decisions, distinguishing and overruling allow the law to evolve. These tools help the courts respond to new facts, changing social values, and developments in legal thinking.

- **Distinguishing a Case:** A court distinguishes a case when it finds that the facts of the current matter are materially different from those in the earlier case. As a result, the legal principle (*ratio decidendi*) from the previous decision does not apply to the new case. For legal researchers, understanding how courts distinguish cases is critical. It helps you predict whether a precedent is likely to apply, and how to argue either for or against its application in a new situation.
    - **Distinguishing** allows a court to avoid applying an otherwise binding precedent by highlighting a material difference in the facts of the current case compared to the precedent. This means the *ratio decidendi* of the earlier case does not extend to the new factual matrix.
- **Overruling a Decision:** A court overrules a previous decision when it decides that the earlier ruling was legally incorrect. Only a higher court or the same court at a later date can overrule a decision. Overruling changes the law by removing the authority of the earlier case. Researchers must be aware of whether a case has been overruled before relying on it as precedent.
    - Overruling is a serious and deliberate step. It happens when a higher court (or sometimes the same court in a later case) decides that an earlier judgment was wrongly decided. Once a case is overruled, it no longer has any binding authority and should not be followed.
    - For legal researchers, it is essential to check whether a case has been overruled. Always use trusted legal databases that flag overruled cases clearly, and confirm the status of any case before using it in legal writing or court documents.

Development of Common Law by Distinguishing and Overruling

1 — Identify Precedent — Recognize existing legal decisions.

2 — Distinguish Case — Find factual differences to avoid precedent.

3 — Apply New Ruling — Establish a new legal principle.

4 — Overrule Decision — Declare a previous decision incorrect.

5 — Update Legal Framework — Modify the legal landscape.
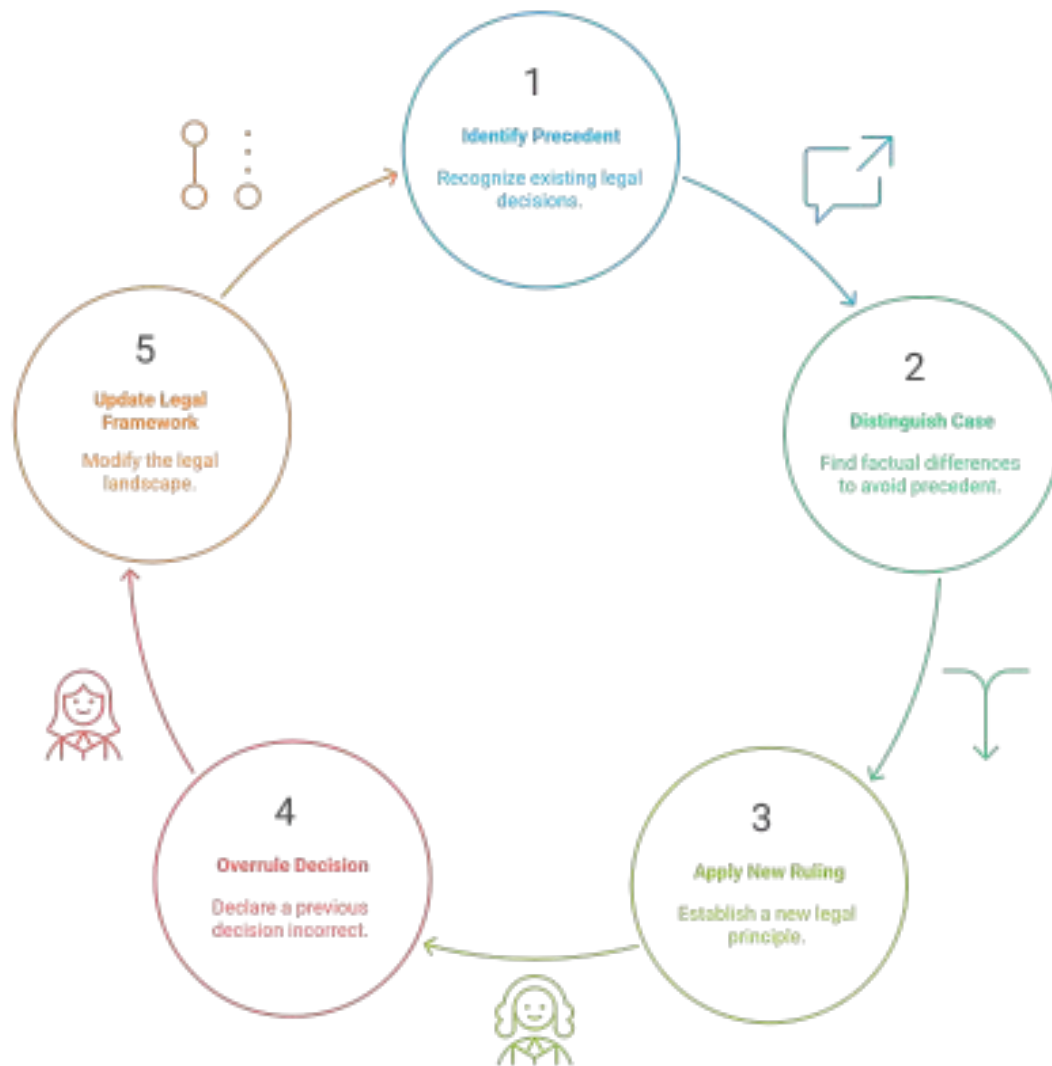
Made with Napkin

- **Practical Use in Legal Research:**
    - Simply finding a precedent is not enough. You must also assess whether it still applies in light of the current facts.
    - Ask: Are the facts the same or different in a meaningful way? Has the case been overruled by a later decision?

- Understanding these concepts allows researchers to use case law more effectively and with greater precision.
- **Crafting Effective Legal Arguments:**
  - Successful legal arguments often rely on a clear understanding of how case law is applied. Two key strategies used by lawyers are distinguishing and overruling.
  - **Distinguishing Unfavourable Precedents:** When a previous case does not support their position, lawyers often argue that the facts are materially different from those in the earlier decision. This allows them to show that the precedent should not apply to the current case.
  - **Arguing for Overruling a Precedent**: In higher courts, especially appellate courts, lawyers may argue that a previous decision should be overruled. This may be because the earlier case is outdated, based on flawed reasoning, or no longer reflects current legal or social values.
  - Lawyers frequently employ the strategy of distinguishing unfavorable precedents by demonstrating that the facts of their case are materially different, thus rendering the precedent inapplicable. Conversely, they might argue for overruling an outdated or unjust precedent, particularly in appellate courts, by presenting compelling reasons why the previous decision was erroneous.

- **Judicial Creativity and Policy Shifts:** These mechanisms reflect judicial discretion and policy considerations. While judges are bound by precedent, their ability to distinguish cases allows for incremental development of the law in ways that reflect changing conditions and new situations.

- ○ Distinguishing gives judges the flexibility to adapt existing rules to new facts.
- ○ Overruling often signals a major change in legal thinking or policy by the highest courts.
- **Sound legal reasoning:** Whether you are advising a client, preparing a case, or writing a judgment, strong legal reasoning involves more than just stating what the law says. It requires an understanding of how the law is applied and how it evolves. The doctrines of distinguishing and overruling are at the heart of this process, helping the law stay both stable and responsive.

Tips for Effective Case Law Research on TanzLII

Effective legal research on TanzLII requires not just knowing how to search, but also understanding how to leverage its features and apply sound research principles.

https://help.tanzlii.org/finding-information/advanced-search

- **Start with Citations (Direct Access):** If you have a specific case citation (e.g., parties' names, case number, year), use it for direct access. TanzLII's search functionality is often optimized for precise citations, leading you straight to the relevant judgment.

(Screenshot of Advanced search feature)

- **Use Keywords Strategically (Precision and Breadth):** Employ precise keywords related to your legal issue.
    - Consider variations and synonyms (e.g., "contract" and "agreement"; "tort" and "delict").
    - Use **Boolean operators** (AND, OR, NOT) to refine your search. For example, negligence AND duty of care will find cases containing both terms. contract OR agreement will find cases with either. fraud NOT embezzlement will exclude cases about embezzlement.
    - Use **phrase searching** (e.g., "res judicata") to find exact phrases, preventing the search engine from finding the words separately.
- **Filter by Court and Date (Narrowing Results):** Narrow your search results efficiently by specifying the court (e.g., Court of Appeal, High Court) and the relevant time period (e.g., 2020-2025). This is crucial for focusing on binding precedents from the correct jurisdictional level and period.

(Figure: Filtering search results by document type, Court and Year)

- **Leverage TanzLII's "History" Features for Legislation:** When researching statutes on TanzLII, always look for the "History" tab associated with an Act. This tab details the amendments a piece of legislation has undergone. For "consolidated" versions, pay close attention to the consolidation date to understand up to which point all amendments have been incorporated. Any changes enacted after this date will not be reflected, requiring a manual check for more recent amending legislation.

In [Godfrey Wilson vs Republic (Criminal Appeal 168 of 2018) [2019] TZCA 109 (6 May 2019)](#) the Court of Appeal illustrates why it is important to know the amendment history of legislation.

Section 127(2) of the Evidence Act was substantially amended by Act No. 4 of 2016: the former *voir dire* competence test for child witnesses was abolished and replaced with a simpler rule that a child of tender age may testify "upon making a promise to tell the truth and not to tell lies."

At trial, however, the magistrate merely asked the ten-year-old complainant whether she understood the difference between truth and lies; the mandatory promise was never recorded. Because the court applied the superseded procedure, the child's evidence had no evidential value. With no other corroboration, the Court of Appeal quashed the conviction and ordered the appellant's immediate release.

If you open the Evidence Act on TanzLII and click "History," Act No. 4 of 2016 appears as an amendment on 8 July 2016.The *Godfrey Wilson* judgment therefore underscores the importance of consulting the "History" tab to map amendments and verify the date of any consolidated Act.

(Figure: History of the Evidence Act)

Use the similar documents feature to find related legal content**:** The similar documents feature makes it easier for you to find related legal content, helping you quickly access more context or supporting materials relevant to your work.

(Figure: exploring related documents feature on TanzLII case search)

Explore Related Documents: Don't stop at the initial search result.
Examine:

- Cases cited within the judgment you are reading.
- Legislation interpreted or referred to in the judgment (and then go read that legislation).
- Cases that cite the judgment you are reading, as these indicate how the precedent has been treated subsequently.
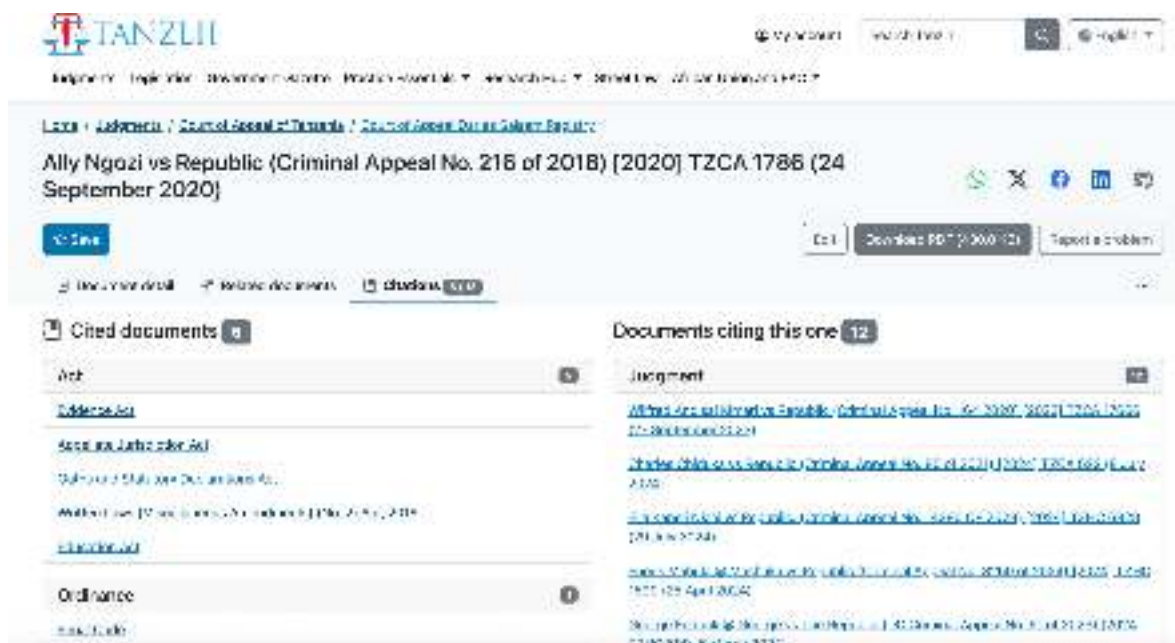
(Figure: Citations feature on TanzLII case search)

Manual Verification: If relying on an older case, particularly from the Court of Appeal, manually search for more recent decisions from the Court of Appeal and High Court that might have discussed, distinguished, or overruled it.

Cross-Reference with Gazettes: For the absolute latest legislative changes, cross-reference with the official Tanzania Government Gazette, especially if the TanzLII version is not fully up-to-date.

Start with Secondary Sources (Strategic Approach): For complex or unfamiliar legal issues, begin your research with secondary sources (legal journals, textbooks, commentaries). These resources often provide an excellent overview, analyze key legal principles, and most importantly, cite the crucial primary legislation and case law, serving as a valuable guide for your primary source search on TanzLII.

Document and Organize: Keep a meticulous record of your research process, including keywords used, filters applied, and the citations of all relevant primary and secondary sources. This helps in tracing your steps, avoiding duplication, and ensuring comprehensive coverage.

Practical Case Law Research: Understanding Judgments

Understanding court judgments is essential for effective legal research. In a common law system like Tanzania's, case law is an important source of law. It is not enough to simply locate a judgment. You must read it closely and think critically about what it means. This includes identifying the legal issues, the court's reasoning, the *ratio decidendi* (the binding legal rule), and any *obiter dicta* (comments that are not binding but may be persuasive).

1. **Understanding Judgments in Legal Research:**
   - **Source of Law:** Judgments are primary sources of law (case law or precedent). They interpret legislation, shape common law principles, and apply legal rules to specific facts.
   - **Context and Application:** Analysing a judgment helps researchers understand how legal principles are applied in real situations. It shows which facts the court found important and how the judge explained the reasoning behind the decision. This understanding is essential when advising clients or building arguments in new cases.
   - **Predicting Outcomes:** By analysing past decisions, researchers can predict how courts might rule in similar future cases, guiding litigation strategy.
2. **Binding Precedent (*Stare Decisis*):**
   - **Importance:** This is the cornerstone of common law systems. It means that decisions of higher courts are binding on lower courts in the same hierarchy when dealing with similar facts and legal issues. It ensures consistency, predictability, and fairness in the application of the law.
   - **Role in Research:** Legal researchers must identify binding precedents because these are the authoritative statements of law that *must* be followed. Failing to identify or correctly apply

binding precedent can lead to legal errors and unsuccessful arguments.

3. **Persuasive Authority:**
    ○ **Importance:** Persuasive authority refers to court decisions that are not binding, but may still influence a court's reasoning. These decisions may come from courts of the same level, lower courts or courts in other countries with similar legal systems. A judgment may be considered persuasive because of the quality of its reasoning, the reputation of the court, or how closely it relates to the legal issue being considered.
    ○ **Role in Research:** Legal researchers rely on persuasive authority when there is no binding precedent, or to support an argument alongside binding law. It is a useful tool for showing how legal principles have been interpreted in different contexts, and it can help courts develop the law by drawing on well-reasoned examples from other cases.

4. *Ratio Decidendi* **("The Reason for the Decision"):**
    ○ **Importance:** The ratio decidendi is the central legal rule or principle that the judge applied to the key facts of the case. It is the binding part of the judgment and forms the precedent that must be followed in future cases with similar facts.
    ○ **Role in Research:** Legal researchers must carefully identify the *ratio* to understand the exact legal rule that has binding force. This often requires close reading and analysis, as the ratio is not always clearly stated in the judgment. In cases decided by more than one judge, each judge may express the *ratio* differently. Researchers must compare and interpret these views to determine the binding principle.

5. **Obiter Dicta ("Things Said by the Way"):**
   ○ **Importance:** *Obiter dicta* are comments made by a judge that are not essential to the decision in the case. These might include remarks on hypothetical situations, general observations about the law, or discussions of issues not directly before the court. Although they are not binding, they can carry persuasive value, especially when made by a well-regarded judge or higher court.
   ○ **Role in Research:** Researchers must be able to distinguish *obiter dicta* from *ratio decidendi*. While not binding, *obiter dicta* can provide valuable insights into the judge's legal thinking, suggest future directions for the law, or offer persuasive arguments when binding authority is scarce.

6. **Dissenting Judgments:**
   ○ **Importance:** A dissenting judgment is written by a judge who disagrees with the majority's decision or their reasoning. While a dissent is not binding law, it plays an important role in shaping legal thinking and guiding future developments in the law.
   ○ **Role in Research:**
      ■ **Forecasting Future Changes:** Dissents often articulate alternative legal arguments or interpretations that might become the majority view in future cases. They can highlight weaknesses in the majority's reasoning.
      ■ **Arguments for Change:** Legal researchers might use dissenting opinions to argue for a re-evaluation of current law or to distinguish the present case from the majority's ruling.
      ■ **Contextual Understanding:** Reading dissents provides a fuller understanding of the legal issues, revealing the nuances and complexities that might not be apparent from the majority opinion alone.

7. **Distinguishing a Judgment:**
    ○ **Importance:** When a court is faced with a binding precedent that appears relevant but the facts of the current case are materially different, the court may choose to distinguish the earlier case. This means the judge decides that the precedent does not apply because the factual differences are significant enough to affect the legal outcome. Distinguishing allows courts to avoid applying a precedent that might lead to an unfair or unsuitable result, without having to overrule the earlier decision.
    ○ **Role in Research:** Researchers must understand how judgments are distinguished to predict when a binding precedent might *not* be applied. This skill is critical for crafting arguments that seek to avoid the application of an unfavorable precedent or to argue for the application of a favorable one by showing factual similarity.

In summary, a deep understanding of these aspects of judgments allows legal researchers to navigate the complexities of case law, correctly identify binding authority, use persuasive arguments effectively, and build robust legal strategies.

Practical Case Law Research: How to Read a Judgment

Reading a judgment effectively is a core skill for any legal professional. It involves more than just skimming the decision; it requires a systematic approach to extract the essential components that make up the court's ruling and reasoning. This section will guide you through the process, using judgments from TanzLII.

Key Steps for Reading a Judgment:

When approaching any judgment, focus on identifying these critical elements:

1. **Identify Facts of the Case:** What happened? Who are the parties involved? What is the background story that led to the legal dispute?
2. **Identify Legal Issues:** What specific legal questions did the court have to answer? These are usually framed as questions of law that the court is asked to resolve.
3. **Reasoning:** How did the court arrive at its decision? What legal principles, statutes, or previous cases did it rely on? This is the *ratio decidendi* – the binding part of the judgment.
4. **Final Holding/Decision:** What was the ultimate outcome or order of the court? What was the final resolution of the legal issue(s)?

Case Studies

Case Study 1: Stephen Tumain Mduma vs Director of Public Prosecution

- **Citation:** *Stephen Tumain Mduma vs Director of Public Prosecution* (Misc. Criminal Application No.316 of 2024) [2024] TZHC 29
- **Access on TanzLII:** Search for the case using the full name or citation on www.tanzlii.org.

Application of Judgment Reading Steps:
1. **Facts of the Case (Key Facts):**
   ○ The applicant, Stephen Tumain Mduma, was charged with economic sabotage offences.
   ○ He had been remanded in custody for a significant period (over one year) without his case being committed to the High Court for trial.

- He filed a miscellaneous criminal application seeking to be released on bail, citing the prolonged remand without committal as a violation of his constitutional right to a speedy trial and liberty.
- The Director of Public Prosecution (DPP) opposed the application, likely arguing against bail for economic sabotage offences under specific statutes.

2. **Legal Issue(s) Identified:**
   - Does the prolonged remand of an accused person in an economic sabotage case, without committal, violate their constitutional rights?
   - Under what circumstances can bail be granted in economic sabotage cases, particularly in light of prolonged remand?
   - Does the court have the discretion to grant bail despite statutory restrictions, especially when constitutional rights are implicated?

3. **Reasoning of the Court:**
   - The High Court would likely have considered the provisions of the Economic and Organised Crime Control Act (EOCCA) which typically restricts bail for economic sabotage offences.
   - However, the court would also have weighed this against the constitutional guarantees of personal liberty (Article 15) and the right to a fair trial within a reasonable time (Article 13(6)(a) of the Constitution of the United Republic of Tanzania).
   - The court's reasoning would focus on whether the continued detention, given the delay in committal, amounted to an oppressive or unreasonable deprivation of liberty, thereby overriding the usual statutory restrictions on bail.
   - It would likely examine whether the delay was attributable to the prosecution and if there were exceptional circumstances warranting bail. The court may have referred to previous

precedents where constitutional rights were balanced against statutory limitations.

4. **Final Holding/Decision:**

The court likely ordered the release of the applicant on bail, possibly with stringent conditions, given the unconstitutional delay in the prosecution process.

   ○ The decision would underscore the judiciary's role in safeguarding constitutional rights, even when dealing with serious offences, and the principle that prolonged pre-trial detention without good cause is unacceptable.

Relevance for Training: This case is excellent for demonstrating how courts balance statutory provisions (bail restrictions in EOCCA) with constitutional rights (right to liberty, speedy trial). It illustrates judicial activism in protecting fundamental rights and the importance of timely prosecution.

Case Study 2: Ramadhan Hamis vs R

- **Citation:** *Ramadhan Hamis vs R* (DC Criminal Appeal 111 of 2021) [2022] TZHC 14745
- **Access on TanzLII:** Search for the case using the full name or citation on www.tanzlii.org.

Application of Judgment Reading Steps:

1. **Facts of the Case (Key Facts):**
   ○ This was a criminal appeal stemming from a decision by a subordinate court (District Court).
   ○ The appellant, Ramadhan Hamis, was likely convicted of an offence in the lower court.
   ○ The appeal would involve challenging the conviction or sentence on grounds of law or fact.

- The specific details of the initial offence and the procedural irregularities or legal errors alleged by the appellant would be central to the facts. The context mentioned in the training module (procedural nullities) suggests a focus on errors in the initial investigation or court process that affected the fairness of the trial.

2. **Legal Issue(s) Identified:**
   ○ Was there a procedural irregularity or legal error in the trial process at the District Court? (e.g., improper recording of evidence, lack of proper plea, inadequate investigation, violation of fair trial rights).
   ○ Did this procedural nullity or error lead to a miscarriage of justice?
   ○ What is the proper remedy when such a procedural error is identified on appeal? (e.g., quashing conviction, ordering a retrial, setting aside proceedings).

3. **Reasoning of the Court:**
   ○ The High Court, sitting in appeal, would meticulously review the trial court's record.
   ○ The reasoning would focus on identifying specific procedural flaws. For instance, if the case highlighted by the module involved "procedural nullities seen in the Ramadhan Hamis case," the court's reasoning would likely detail *how* those procedures were breached (e.g., failure to read out the charge in a language understood by the accused, absence of a crucial witness's statement, improper cautioning).
   ○ The court would then assess whether these flaws were curable or whether they fundamentally undermined the fairness of the trial, rendering the proceedings a "nullity."

- ○ It would refer to relevant sections of the Criminal Procedure Act, the Evidence Act, and established principles of criminal procedure and constitutional rights to a fair hearing.

4. **Final Holding/Decision:**
   - ○ Given the emphasis on "procedural nullities," the High Court likely allowed the appeal.
   - ○ The conviction and/or sentence from the lower court would have been quashed, potentially leading to the appellant's acquittal or an order for a *de novo* (fresh) trial, depending on the nature and severity of the procedural error.
   - ○ The decision would serve as a strong reminder to lower courts and law enforcement of the importance of strict adherence to procedural rules to ensure fair trials and avoid rendering proceedings void.

Relevance for Training: This case is particularly useful for demonstrating the concept of "procedural nullities" and the critical role of appellate courts in correcting errors from lower tribunals. It highlights the importance of meticulous adherence to procedural law for all legal practitioners, including those involved in investigation and prosecution. It also underscores the paralegal's role in preventing such nullities through thorough initial documentation.

Currency & Validation: Ensuring Your Research is Up-to-Date

After identifying and analysing judgments and legislation, it is paramount to ensure that the law derived from them is still current and valid. Laws change, and new cases are decided regularly.

Importance of Updating: Judges and legal professionals must ensure that any law or precedent they rely on for a decision is the most current and applicable. Relying on outdated or overturned law can lead to erroneous judgments.

Currency: Legislation

Step 1: Navigate to the Legislation Section
- Click on the "Legislation" tab in the main navigation menu on the TanzLII homepage to access the comprehensive legislation database

Step 2: Select Current Legislation
- Once in the Legislation page, you have a view of several tabs at the top
- Click on the "Current legislation" tab (this is usually the default view). This shows only laws that are currently in force

Step 3: Use Search and Filter Tools
- Search Bar: Use the search box to find specific acts by name or keyword
- Alphabetical Filter: Click on letters (A, B, C, etc.) to browse legislation alphabetically
- Year Filter: Use the years filter on the left to filter by when legislation was enacted
- Advanced Search: Click "Advanced search" for more detailed filtering options.

Step 4: Review Legislation Details
- When you click on any piece of legislation (like the "Access to Information Act, 2016"): You'll see the full title and act number.

- Check the "History" tab to understand the legislation's timeline

Step 5: Check Currency and History: This is crucial for understanding if legislation is current:

Understanding the History Timeline

- Most Recent Date: Look for the latest entry (e.g., "01 July 2017" - when it commenced).
- Publication Date: Check when it was published in the Government Gazette.
- Assent Date: See when it was officially approved.

Key Indicators of Currency

- "This version" label indicates you're viewing the current version.
- Commencement notices show when the law became effective.
- Amendment dates reveal if a legislation has any updates.

Step 6: Verify Current Status

- Look for any related documents or amendments in the "Related documents" section.
- Check if there are any subsidiary legislation or regulations.
- Review citations to see if the law is actively referenced.

What to Look Out For

- Laws that have been assented to but not yet commenced may not be in force
- Some legislation may be partially commenced (only certain sections in effect)
- Always verify that the current version is what you're viewing

Currency: Judgments

Step 1: Access Recent Judgments from Homepage

- Look out for the "Recent Judgments" card by scrolling down the homepage.
- This displays the most recently published court decisions
- Each entry shows the case name, court, and date (e.g., "22 July 2025")
- Click the "View more judgments" link at the bottom of the Recent Judgments section
- This takes you to a comprehensive listing of recent decisions
- Judgments are automatically sorted by date (newest first)

Step 2: Navigate to Judgments

- Click on "Judgments" in the main navigation menu to go to the judgments listing page
- Explore all judgments by courts
- Click on recent years (e.g., 2025, 2024, 2023) to focus on current decisions
- Multiple years can be selected for broader date ranges

Case Updates and Citator Services:

- **Verify Case Validity:** If you are relying on a 2010 Court of Appeal case, it is crucial to investigate whether it has been overruled, distinguished, or affected by later decisions of a higher or equally ranked court.

  In Alex R. Thomas v Republic Criminal Appeal No. 351 of 2008, the Court of Appeal upheld Thomas's armed-robbery conviction and 30-year sentence. Unrepresented, Thomas petitioned the African Court on Human and Peoples' Rights (AfCHPR). In [Thomas v United Republic of Tanzania (Application No. 005/2013) [2015] AfCHPR 22 (20 November 2015)](#), the AfCHPR held that Tanzania had violated Articles 1 and 7 of the African Charter because Thomas was tried without legal aid and could not obtain the record to prepare his appeal. The AfCHPR declared that

the domestic conviction could not be allowed to stand and ordered the State to reopen the case or hold a fresh trial.Tanzanian superior courts have recognised their obligation to comply with AfCHPR judgments. Accordingly, *Alex R. Thomas v R* is no longer reliable authority on the points the AfCHPR condemned.

Similarly, in In [Lohay Akonaay and Another vs Hon. Attorney General (Miscellaneous Civil Cause No. 1 of 1993) [1993] TZHC 569 (21 October 1993)](#) the High Court (Arusha) declared that Maasai pastoralists enjoyed a constitutional right to own, live on and develop their ancestral land inside the Ngorongoro Conservation Area. The Attorney-General appealed. In [Hon. Attorney General vs Lohay Aknonaay and Another (Civil Appeal No. 31 of 1994) [1994] TZCA 92 (21 December 1994)](#) the Court of Appeal allowed the appeal, set aside every declaration and held that the Constitution did **not** create justiciable communal land-rights absent legislation.

At paragraphs 25–30, the Court states: "We are satisfied the learned Judges erred in law… the declarations are hereby quashed."

If you had cited the 1994 High-Court judgment for a land-rights proposition without checking for appellate history, you would have relied on overruled authority.

- **Using Citators:** Some advanced legal databases (often commercial ones like LawAfrica or JUTA, if they offer this feature for Tanzanian law) provide "citator" services. These tools show a list of subsequent cases that have cited the one you are examining and indicate how it was treated (e.g., followed, distinguished, overruled, criticised).

- **Multiple Sources for Verification:** Where possible, use multiple sources or consult official gazettes for the very latest legislative amendments and the most authoritative versions of legal texts.

By diligently applying these currency and validation checks, legal professionals can maintain the highest standards of accuracy and reliability in their legal research, ensuring that their arguments and judgments are based on the current state of the law.

Participant Task

Scenario

The accused Ramadhani Juma is on appeal before you. He was arrested on 29 September 2018 at Nzega with a locally-made "gobore" gun. He was charged on 5 October 2018 with "possession of a firearm contrary to s 4(1) of the Arms & Ammunition Act, Cap 223 (R.E. 2002). He was convicted and sentenced to 15 years' imprisonment (or TZS 3 million fine). Counsel now argues the entire prosecution is a nullity because the Arms & Ammunition Act was repealed and replaced by the Firearms and Ammunition Control Act Chapter 223 before the offence date.

You have located George Moshi vs Republic (Criminal Appeal No. 517 of 2016) [2019] TZCA 774 (10 December 2019) on TanzLII, where the Court of Appeal quashed an identical conviction for that very reason.

Tasks for participants

1. Timeline Check

   a) On TanzLII, open the Legislation page and locate the .
      ○ What date did the Firearms and Ammunition Control Act, Chapter 223 commence?
      ○ Quote the GN number that brought it into force.

2. b) Which section of Firearms and Ammunition Control Act repeals the Arms & Ammunition Act?

3. Savings Clause

   Does Firearms and Ammunition Control Act preserve (save) offences committed under the repealed Arms & Ammunition Act? ?
      ○ Yes / No (circle)
      ○ If yes, give the section number and summarise the saving.

4. Charge Validity

    Given the arrest and charge dates, was s 4(1) rms & Ammunition Act still valid law? Explain briefly

5. Identify Precedent

    In *George Moshi,* which paragraph sets out the Court of Appeal's holding that the proceedings were a nullity?

6. Draft Order (≤ 90 words)

    Write the operative part of your judgment allowing or dismissing Ramadhani's appeal, citing the statutory repeal and the *George Moshi* precedent.

Trainer Solution & Notes

Step 1: Establishing commencement and repeal

The Firearms and Ammunition Control Act, 2015 came into force on 22 May 2015, as proclaimed in Government Notice No. 22 of 2015, published in *Gazette* Vol. 96, No. 22. Section 73 of Firearms and Ammunition Control Act, then expressly repealed the Arms and Ammunition Act in its entirety: "The Arms and Ammunition Act is hereby repealed."

Step 2: Understanding the savings clause

Although Firearms and Ammunition Control Act, repealed the Arms and Ammunition Act, section 74(a) & (b) preserved two limited matters:

1. all subsidiary legislation made under the Arms and Ammunition Act and
2. appointments of officers or authorities created by the Arms and Ammunition Act.

Crucially, no part of section 74 saves offences or pending prosecutions begun under the Arms and Ammunition Act.

Step 3: Consequence for post-repeal charges

Because the Arms and Ammunition Act was wholly repealed from 22 May 2015, any attempt to prosecute someone under section 4(1) of the Arms and

Ammunition Act in October 2018 was legally futile, the provision had no force in law.

Step 4: Supporting precedent

The Court of Appeal confirmed this position in George Moshi v Republic [2019] TZCA 774, paras 20–21, declaring that an entire trial based on the repealed Arms and Ammunition Act was a nullity and releasing the appellant.

Step 5: Illustrative appellate order

"Appeal allowed. By section 73 of the Firearms and Ammunition Control Act 2015, the Arms and Ammunition Act ceased to exist on 22 May 2015 (GN 22/2015). Following *George Moshi v R* [2019] TZCA 774, paras 20–21, the charge preferred on 5 October 2018 under a repealed statute was a nullity. The proceedings and judgments of both courts below are quashed, the conviction is set aside, and the appellant is released forthwith unless held for another lawful cause."

Part 3: Secondary Sources and Other Information

Overall Session Timing: 13:30 – 14:00 (30 minutes)

Micro-Module Card Template

Trainer Card

Field	Details
Aim	Enable participants to use Tanzanian secondary and non-legal sources to shorten research time, surface primary authority, and integrate Gazette-noticed facts and statistics into sound legal reasoning.
Total time	30 minutes · 15 min theory + demos · 15 min hands-on
Key concepts	Primary vs secondary authority → credibility & weight → footnotes as roadmaps → s 59 Evidence Act (Cap 6) (judicial notice of gazetted facts) → using NBS data & policy papers for context
Live demo	· TanzLII › Journals (or EALR/UDSM Repository) → open an article (e.g., customary succession) → follow a footnote to a statute section & case. · Gazette (pre-saved PDF if offline) → show a GN evidencing acompany/society registration → explain judicial notice under s 59 and give a full GN citation. · NBS site (or pre-saved table) → display a relevant table (title, year) → show how to reference and explain its contextual (not binding) role.

Likely questions	·Can I cite a law-review article in a judgment? What weight does it carry?" · "How exactly do I cite a Gazette Notice (GN no./vol./date/page)?" · "Is Hansard admissible and where do I find it?" · "May I rely on statistics from NGOs or media summaries?"
Pitfalls	· Treating secondary sources as binding law. · Using undated/unsourced PDFs or blog posts without verifying provenance. · Mis-citing or paraphrasing GN without full citation. · Quoting statistics without title/year/source or overstating them as law. · Failing to tie every proposition back to primary authority (statute/case).

Secondary sources provide analysis, commentary, and overviews of legal topics. They are invaluable for understanding complex areas of law, identifying key primary sources, and developing arguments. Beyond traditional legal secondary sources, non-legal information contributes significantly to comprehensive legal research.

Learning Objectives:

By the end of this session, participants will be able to:

- Explain what secondary sources are and how they differ from primary sources of law.
- Describe the role of secondary sources in legal research, including their value in understanding complex legal issues and developing arguments.
- Identify different types of secondary sources commonly used in Tanzanian legal research.
- Recognise the contribution of non-legal sources to comprehensive legal research.

- Use secondary sources to locate and interpret relevant primary legal materials.

Importance and Role of Secondary Sources:

Secondary sources are not law themselves, but they are critical tools that pave the way for effective and efficient legal research. Their importance stems from several key functions:

- **Providing Foundational Understanding and Context:** For researchers venturing into unfamiliar or complex areas of law, secondary sources offer an accessible entry point. They provide historical background, theoretical frameworks, and a general overview that helps in grasping the fundamental principles and concepts before diving into the primary sources.
- **Identifying Key Primary Sources:** One of their most valuable roles is to serve as a roadmap to relevant primary authorities. Legal texts, law review articles, and legal encyclopedias are meticulously footnoted and cited, guiding researchers directly to the statutes, regulations, and case law that are most pertinent to their query. This significantly streamlines the initial phase of research.
- **Clarifying Complexities and Resolving Ambiguities:** When primary sources present ambiguities or conflicts, secondary sources often provide insightful analysis and commentary that help to interpret and reconcile different provisions or precedents. They offer reasoned arguments and diverse perspectives from legal scholars and practitioners, which can be invaluable in understanding nuanced legal issues.
- **Developing Arguments and Formulating Legal Strategy:** Secondary sources don't just explain the law; they often critique it, explore its policy implications, and suggest lines of argument. Researchers can draw upon

these analyses to refine their own legal arguments, identify potential strengths and weaknesses, and formulate a coherent legal strategy.

- **Facilitating Comparative Analysis:** Many secondary sources, particularly law review articles and specialized treatises, engage in comparative legal analysis, drawing parallels or distinctions with other jurisdictions. This can be crucial for developing arguments in areas where local law is underdeveloped or for gaining insights from broader legal trends.

- **Enhancing Research Efficiency:** By synthesising large bodies of primary law and offering expert analysis, secondary sources can save researchers a considerable amount of time. Instead of individually sifting through countless statutes and cases, one can quickly gain a comprehensive understanding and identify the most relevant primary materials to focus on.

- **Integrating Non-Legal Information:** The prompt correctly highlights that "non-legal information also contributes significantly." Economic data, social science research, historical accounts, and technical expert opinions, though not traditionally "legal," can be critical secondary sources. They provide factual context, empirical support for arguments, and an understanding of the real-world implications of legal rules, essential for holistic legal reasoning and policy development.

Enhancing Legal Research with Secondary Sources

Foundational Understanding
Provides historical context and theoretical frameworks

Integrating Non-Legal Information
Provides factual context and empirical support

Identifying Primary Sources
Guides researchers to relevant statutes and cases

Enhancing Research Efficiency
Saves time by synthesizing primary law

Clarifying Complexities
Offers analysis to interpret ambiguities

Facilitating Comparative Analysis
Draws parallels with other jurisdictions

Developing Arguments
Helps refine legal arguments and strategies

Made with ❥ Napkin

Types of Secondary Sources

In the Tanzanian context, secondary sources, while perhaps less numerous in published form than in some other jurisdictions, are growing and include:

- **Law Reviews and Journals:** Academic publications (e.g., from the University of Dar es Salaam School of Law, Law School of Tanzania) that offer in-depth articles on specific legal issues, often providing critical analysis and proposals for law reform. These include:
  - **Eastern Africa Law Review (EALR)** – peer-reviewed flagship journal of UDSM School of Law (articles on constitutionalism,

human rights, governance).
https://journals.udsm.ac.tz/index.php/ealr

- **UDSM Institutional Repository – Law Collection** – theses, faculty papers, and occasional journal issues.
  https://repository.udsm.ac.tz/home

- **Legal journals** - practitioner journal with case notes, legislative updates, and reform commentary available on TanzLII:
  https://tanzlii.org/journals/

- **Zanzibar University Law Journal (ZULJ)** – Islamic law, customary law, constitutional and regional integration issues.
  https://www.zanvarsity.ac.tz/site/academic-publications (scroll to law journal section)

- **St. Augustine University Law Journal (SAUT Law Journal)** – human rights, criminal justice, comparative law.
  https://saut.ac.tz/publications (law journal listings)
  University of Iringa Law Review – access to justice, legal pluralism, environmental law.
  https://www.uoi.ac.tz/research/journals (law review tab)

- **Legal Treatises and Textbooks:** Comprehensive scholarly works that discuss specific areas of Tanzanian law (e.g., criminal law, land law, family law). These are excellent starting points for understanding the foundational principles.

- **Legal Dictionaries and Encyclopaedias:** Provide definitions of legal terms and broad overviews of legal topics. While general ones exist, a Tanzanian-specific legal dictionary can be particularly helpful.

- **Commentaries:** Works that provide clause-by-clause analysis and interpretation of specific statutes (e.g., commentaries on the Penal Code or the Criminal Procedure Act).

- **Reports from Law Reform Commissions or Government Bodies:** These documents often discuss current legal problems, review existing laws,

and propose legislative changes, providing valuable background and policy context.

How to Use Secondary Sources Effectively:
- **Gaining Background:** Use them to get a general understanding of a legal area you are unfamiliar with.
- **Identifying Primary Sources:** Secondary sources are heavily footnoted or referenced, providing direct leads to relevant statutes and cases.
- **Understanding Legal Debates:** They can highlight areas of legal controversy or different interpretations of the law.
- **Developing Arguments:** The analysis provided in secondary sources can help you formulate and support your own legal arguments.

Non-Legal Issues for Investigative or Supporting Information

Legal cases often extend beyond purely legal questions, requiring contextual and factual information. This "non-legal" research can be crucial for understanding the full scope of a case, supporting legal arguments, and ensuring comprehensive representation.
- **Corporate and Business Information:** In cases involving companies or corporate entities, reliable information on their legal status, structure, financials, past conduct, or regulatory compliance is essential. Key sources include official company registries, financial reports, regulatory filings, and credible news archives. In Tanzania, courts may also rely on gazetted information, for example, notices of company or society registration published in the Government Gazette. Under Section 59 of the Evidence Act (Cap. 6), such gazetted notices are subject to judicial notice, meaning the court accepts them as proof without requiring further evidence. This underscores the evidentiary weight of gazetted corporate information in legal proceedings.
- **Statistical Data:** Statistical information can provide context for legal arguments, especially in public interest litigation, policy analysis, or

assessing socio-economic impacts of legal decisions. For example, data on crime rates, demographic trends, or economic indicators from the National Bureau of Statistics (NBS) Tanzania or other reputable research institutions.

- **Policy Documents:** Public policy documents, such as government reports, discussion papers, white papers, and working papers from ministries or public institutions, can provide valuable background on the intent behind legislation, social issues, justice initiatives, or government regulation. These often reference key legislation and statistical data.

Non-legal issues for investigative or supporting information

Corporate Information

Information on legal status, structure, financials, past conduct. Gazetted notices are accepted as proof.

Statistical Data

Context for legal arguments, policy analysis, or assessing socio-economic impacts. Data from NBS Tanzania.

Policy Documents

Background on the intent behind legislation, social issues, or government regulation. Often reference legislation.

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Finding Non-Legal Information:

- **Government Websites:** Ministries (e.g., Ministry of Health, Ministry of Education, Ministry of Home Affairs) often publish reports, policies, and statistical data.
- **National Bureau of Statistics (NBS):** The primary source for official statistics in Tanzania.
- **Academic and Research Institutions:** Tanzanian universities and research centres often publish studies and reports on various social, economic, and political issues.
- **NGOs and Civil Society Organisations:** Many organisations publish reports and data related to their advocacy areas (e.g., human rights, environmental issues, gender equality)

Part 4: Regional & International Legal Sources – Broadening the Research

Overall Session Timing: 13:45 – 15:00 (1 hour 15 minutes)

Micro-Module Template

Trainer Card

Field	Details
Module Title	Regional & International Legal Sources – Broadening the Research
Aim / Overview	Broaden the scope of legal research to include regional African and international legal resources. Enable participants to navigate these sources and understand their applicability within the Tanzanian legal framework.
Total Time	13:45 – 15:00 (1 hour 15 minutes)
Trainer Talking Points	1) Introduction to Regional Law• Tanzania's membership in regional blocs; how regional norms can affect domestic law. 2) East African Community (EAC)• EAC Treaty: areas of supremacy/direct application; relevance for trade, movement, and cooperation.• EACJ: jurisdiction (interpretation/application of the EAC Treaty; selected human-rights related matters); where to find judgments (EACJ website; TanzLII EACJ section).• EALA Legislation: binding nature; examples of areas regulated.• Practical demo: Navigate to EACJ website or TanzLII's EAC section and open a recent judgment record. 3) African Union (AU)• African Charter on Human and Peoples' Rights: status and importance for Tanzanian jurisprudence.• AfCHPR

	(Arusha): mandate, admissibility/standing basics, accessing judgments and advisory opinions.
Live Demo	• Open EACJ website or TanzLII › EACJ collection; locate a trade-related judgment and show citation/structure.• Show AfCHPR judgments portal; demonstrate filtering by State/subject.

This session broadens the scope of legal research to include relevant regional African and international legal resources. Participants will learn how to navigate these diverse sources and understand their applicability within the Tanzanian legal framework.

Learning Objectives: By the end of this session, participants will be able to:

- Identify and access key regional legal resources relevant to Tanzania (e.g., EACJ, SADC Tribunal, African Union instruments).
- Navigate major international legal databases and institutions (e.g., UN, ICJ, ICC).
- Understand the hierarchy and application of regional and international law within the Tanzanian legal system.
- Formulate research strategies for cross-border and international legal issues.

Regional & International Legal Sources – Broadening the Research

In an increasingly interconnected world, legal issues often have regional or international dimensions. Judges, magistrates, and lawyers in Tanzania must be equipped to research and apply relevant regional and international legal sources.

Why Broaden Research?

- **Treaties and Conventions:** Tanzania is a signatory to numerous regional and international treaties and conventions that are binding under international law and often domesticated into national law.A treaty is not directly enforceable in Tanzanian courts unless it is domesticated (incorporated) through legislation. Article 63(3)(e) of the Constitution empowers Parliament to authorise ratification, but ratification alone does not give a treaty domestic legal force, an Act of Parliament or subsidiary legislation must follow.

  Pathway from Signature to Enforceability
  1. Signature – The Executive signals intent to be bound; no legal effect domestically.
  2. Ratification/Accession – Tanzania becomes bound under international law (verify status on UN/AU/EAC treaty portals).
  3. Domestication – Parliament enacts a new law or amends existing statutes to give the treaty force within Tanzania.
  4. Implementation/Regulations – Relevant ministries issue regulations, guidelines, or practice directions to operationalise obligations.
  5. Judicial Application – Courts apply the domesticated provisions. Undomesticated treaties may be cited persuasively to interpret

ambiguous statutes or fill gaps, but cannot override clear statutory text.

- **Comparative Law:** Understanding how other jurisdictions address similar legal issues can offer valuable insights and inform judicial reasoning, especially in areas where national law might be nascent or unclear.
- **Human Rights:** International and regional human rights instruments directly influence the interpretation and application of constitutional rights and domestic human rights legislation.
- **Trade and Investment:** Regional economic blocs and international trade agreements have significant implications for commercial law.
- **Cross-border Crimes:** International cooperation and understanding of international criminal law are essential for addressing transnational crimes.

Key Regional Legal Frameworks :

- **East African Community (EAC) Law:**
  - Treaty for the Establishment of the East African Community: The foundational document.
  - EAC Protocols: Specific agreements on various sectors (e.g., Common Market Protocol, Customs Union Protocol).
  - Decisions of the East African Court of Justice (EACJ): The EACJ has jurisdiction over the interpretation and application of the EAC Treaty and other EAC legal instruments. Its judgments are crucial for understanding EAC law.
- **African Union (AU) Legal Instruments:**
  - African Charter on Human and Peoples' Rights: A key human rights instrument.
  - Decisions of the African Court on Human and Peoples' Rights: Located in Arusha, Tanzania, this Court delivers judgments on human rights violations within AU member states.

The key regional frameworks can be found on www.africanlii.org which publishes the law and policy of the African Union and federates search across all open access African national law. The platform also hosts curated collections on various subjects of African law, such as human rights, the environment, commercial law and finance.

Key International Legal Instruments (Examples):

- **United Nations (UN) Treaties:**
    - Universal Declaration of Human Rights (UDHR): Foundational document.
    - International Covenant on Civil and Political Rights (ICCPR) & International Covenant on Economic, Social and Cultural Rights (ICESCR): Core human rights treaties.
    - Conventions on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Specific human rights instruments addressing particular groups.
- **International Criminal Law:**
    - **Rome Statute of the International Criminal Court (ICC):** Governs international crimes (genocide, crimes against humanity, war crimes).
- **International Labour Organisation (ILO) Conventions:** Relevant for labour law.

Accessing Regional and International Resources:

- **Official Websites of Organisations:**
    - African Legal Information Institute: www.africanlii.org is regional portal that provides access to African Union, African regional economic communities and African national law. AfricanLII maintains formal content agreements with AU and EAC organs.

- ○ East African Community (EAC): www.eac.int
- ○ African Union (AU): www.au.int
- ○ United Nations (UN): www.un.org (for treaties, resolutions, and reports)
- ○ International Courts and Tribunals (e.g., ICC, ICJ, ICTR, Mechanism for International Criminal Tribunals): Official websites provide judgments, rules, and procedural documents.
- **Regional Legal Information Institutes:** Beyond TanzLII, other African LIIs (e.g., www.kenyalaw.org , www.ulii.org , www.africanlii.org) may provide access to regional court decisions.
- **Academic and Scholarly Databases:** Many university libraries subscribe to databases that offer access to international law journals, treatises, and primary sources.
  GlobaLex: Specifically, the GlobaLex Guide: Tanzanian Legal System and Legal Research by Manning & Kasera is a comprehensive online guide that provides valuable links and insights into Tanzanian legal research, including its regional and international dimensions https://www.nyulawglobal.org/globalex/tanzania1.html .
- **Law Library of Congress – Tanzania:** The Law Library of Congress hosts one of the world's largest legal collections and curates country-specific gateways (Guide to Law Online) plus topical research guides, comparative law reports, and current-awareness updates (Global Legal Monitor). For Tanzania, it aggregates authoritative, publicly accessible links to constitutions, primary legislation, courts, ministries, and key secondary sources.The portal provides links to key Tanzanian legal materials and can be a gateway to broader international legal resources. https://guides.loc.gov/law-tanzania

Finding AU and EAC materials in context

Demonstrate to participants the two ways into researching regional law on TanzLII.

Route	When to use it	How
Top-menu browse	You know the instrument/case name or want to read **all** AU or EAC items.	1. Open TanzLII → **Top bar** menu. 2. Limit locality to **African Union** or **East African Court of Justice**. 3. Use left-hand filters (Year, Type). *(Figure: top-menu with AU & EAC)*
Global search + filters	You are exploring a *topic* (e.g. "enironmental protection").	1. Enter query in the main search bar. 2. On results page, tick **Locality → African Union** *and/or* **East African Community** or leave unticked to have a comparison with **Tanzania**. 3. Refine by **Document type** (judgments, treaties). *(Figure : search results showing mixed TZ & AU hits)*

(Figure: TanzLII top menu items covering African Union and East African Community materials)

Browsing for African Union and EAC materials is effective when you know the title of the convention, protocol or judgment you are looking for.

If you are exploring a concept or a topic, conduct a search on TanzLII and use the search filters to locate African Union and EAC materials, alongside Tanzanian law, to locate judgments and legal instruments on point.

(Figure: TanzLII search results showing mixed Tanzanian and AU hits)

OSCOLA-TZ citations for regional material

Source	Example
Treaty / Charter	African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 Oct 1986) 1520 UNTS 217, art 7.
AfCHPR judgment	*Juma v United Republic of Tanzania* (Application 024/2016) [2021] AfCHPR 17, para 35.

EACJ judgment	*Surl v Attorney-General of Burundi* (Application 4/2023) [2025] EACJ 6, para 24. (TanzLII)

Participants Task

Scenario:

A Tanzanian environmental CSO files for judicial review seeking to halt construction of a trans-boundary pipeline that allegedly violates Article 112 of the EAC Common Market Protocol on environmental protection. The CSO also cites the African Charter on Human and Peoples' Rights (right to a satisfactory environment) and the Paris Agreement. Government argues the Protocol is not self-executing and the Paris Agreement is undomesticated.

Tasks for participants (work in pairs):

1. **Treaty Status Check:** Using EAC & UN treaty portals, confirm signature, ratification, and domestication status of (a) the EAC Common Market Protocol; (b) the Paris Agreement.

2. **Domestic Incorporation:** Identify any Tanzanian Acts or GNs that give domestic force to Article 112 or equivalent environmental obligations.

3. **Regional Precedent:** Locate one EACJ judgment where environmental provisions of the EAC Treaty/Protocols were applied. Note the neutral citation.

4. **Comparative Persuasion:** Find a non-Tanzanian national-court decision (Kenya, Uganda, or South Africa) that relied on the Paris Agreement to interpret domestic environmental law.

Model Answers/ Solution

The Protocol on the establishment of the East African Community Common Market   was signed on 30 November 2009 and ratified by Tanzania on 2 April 2010. Because Parliament subsequently enacted the East African Community (Implementation) Act, 2012, section 3 read together with the First Schedule gives the Treaty and all of its protocols, including Article 112 on environmental protection, direct domestic force. By contrast, the Paris Agreement was signed on 22 April 2016 and ratified on 18 August 2021, but Parliament has not yet passed an implementing Act; the Agreement therefore remains undomesticated, with only soft-law references in the 2021 National Climate Change Response Strategy.

Domestically, Article 112 obligations are reinforced by three instruments. First, the 2012 EAC Act itself incorporates the Protocol. Second, section 4(2)(d) of the Environmental Management Act, Cap 191 instructs all authorities to align their decisions with "regional and international environmental agreements." Third,   regulation 5(b)   of   the   Environmental   Management   (Strategic Environmental Assessment) Regulations, 2022 (GN No 354/2022) expressly cites Article 112 as a binding benchmark in project approvals.

For regional precedent, the [African Network For Animal Welfare v A.G. of Tanzania (Reference 9 of 2010) [2014] EACJ 50 (20 June 2014) (First Instance Division)](#) is authoritative. The EACJ relied on Articles 5(3)(c) and 112 to halt construction of a highway through the Serengeti, confirming that EAC environmental provisions can ground injunctive relief.

The decision illustrates how undomesticated climate treaties can be used persuasively to give statutory provisions a purposive, environmentally protective reading.

Part 5: Introduction to Artificial Intelligence for the Justice Sector

Overall Session Timing: 15:15 – 16:00 (45 minutes)

Micro-Module Template

Trainer Card

Field	Details
Aim	Give judicial officers a clear, practical understanding of what AI is, where it can help (research, summarising, drafting), where it can harm (hallucinations, bias, privacy), and a simple protocol for safe, verified, human-led use in court work.
Total time	45 minutes · 20 min theory + demos · 25 min hands-on
Key concepts	What AI is (rules → ML → generative) → strengths (speed, synthesis) vs limits (hallucination, opacity) → human-in-the-loop control → verify before you rely → privacy & PDPA considerations → transparency/disclosure options → bias awareness → narrow, auditable prompts → citing sources, not the AI.

Live demo	• Safe prompt set-up (sanitise data): Replace names with initials; remove identifiers before using any tool. • Issue spotting from a judgment: Paste a short, public TanzLII extract; ask AI for issues only and a pinpoint list of cited provisions. • Cross-check: Open the cited sections/cases on TanzLII and tick them off; highlight any mismatch to illustrate hallucinations. • Drafting assist: Ask AI for a neutral outline (headings only) for an interlocutory order; you fill the legal substance. • Red-team test: Prompt the AI to "provide three authorities"; demonstrate the must-verify step and reject anything unverifiable. • Log & disclose: One-line internal note, e.g., "Clerk used AI tool to summarise publicly available judgment; all citations verified on TanzLII."

This module introduces judicial officers to artificial intelligence (AI), emerging AI-driven tools and their relevance in the justice sector. It will explain what AI is, how it works and how it can be used to support judicial work including tasks like legal research and writing. It will also cover the benefits and limitations of AI, including the risks and legal and ethical issues linked to its use.

By the end of the module, participants will have seen examples of how AI can help find relevant authorities, summarise legal documents and assist with drafting. Participants will also gain a clear understanding of how to use these tools responsibly, with the necessary human oversight to ensure fairness, accuracy and justice.

Learning Objectives:

By the end of this session, participants will be able to:
- Explain what artificial intelligence (AI) is and how it works in simple terms.
- Describe how AI tools can support judicial work, including legal research, document summarisation and drafting.

- Identify the benefits and limitations of using AI in the justice sector.
- Recognise the legal and ethical risks linked to AI use in judicial contexts.
- Apply human oversight when using AI tools to help ensure fairness, accuracy and justice.
- Evaluate examples of AI tools that assist with finding legal authorities and improving legal writing.

What is artificial intelligence?

Artificial Intelligence (AI) refers to computer systems that can carry out tasks that would normally need human intelligence. These tasks include learning, making decisions, and solving problems. AI can do this because it is trained on large amounts of data. This data can include text, pictures, and sounds. The system studies the patterns in the data and uses what it has learned to predict outcomes.

For example, an AI system that is designed to recognise objects in pictures needs to be shown many different images before it can accurately identify an object. In this case, if we want the AI to recognise cats, we would need to show it lots of pictures of cats. At first, the AI might notice simple features like eyes, whiskers, and a rounded face. The more images it sees, the better it becomes at recognising these features and understanding that they belong to a cat. Over time, the AI 'learns' that a cat usually has two eyes, long whiskers, and a round face. When it is shown a new image, it will scan for these features and apply the label 'cat' based on the patterns it has seen before. A real world example of this is Google lens or the search feature in the photos app on the iPhone.

This process is similar to how a child learns to recognise a cat by being shown different examples until they understand what features make up the animal.

The process described above is driven by what is called an algorithm. An algorithm is a set of instructions or rules that a computer follows to solve a

problem or make a decision. You can see algorithms in action every day. They help decide which videos appear on your TikTok or YouTube feed, which songs are recommended to you on Spotify, and what content shows up on your social media pages.

Data plays a key role in how well these algorithms work. The more data technology developers have, the more they can improve these algorithms. This leads to better recommendations, more accurate predictions, and an overall better user experience.

Types of AI

There are different types of AI. Each type works in a different way and is used for different tasks. Below are the most common types, with real-world examples and a simple explanation of how each one works

AI Types Comparison

Characteristic	Rule-based AI	Machine Learning (ML)	Generative AI
Functionality	Follows pre-set rules	Learns from data patterns	Creates new content from data
Learning	No learning or improvement	Learns from data and experience	Learns to generate new content
Example	Early bank fraud system	Email spam filters	ChatGPT, DALL-E
Task Suitability	Simple, repetitive tasks	Pattern recognition, predictions	Content creation, innovation

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- **Rule-based AI:** This is the most basic type of AI. It works by following clear instructions written by humans. These are often "if this happens,

then do that" rules. It does not learn or improve on its own. For example, early fraud detection systems in banks used rule-based AI to check for specific patterns in spending, like a sudden large payment in another country. If the system saw that rule being broken, it would flag the transaction. This kind of AI is reliable for simple and repetitive tasks but cannot deal with new or unexpected situations.

- ○ Example: Early bank fraud system.

- **Machine Learning (ML):** This type of AI can learn from experience. It is trained on large amounts of data and uses that data to find patterns and make predictions. The more data it sees, the better it gets at making decisions. For example, email spam filters use machine learning to identify spam messages by looking at examples of past emails. Over time, the system learns which words or patterns often appear in spam, and it uses that knowledge to block similar messages in the future.

    - ○ Example: Email spam filters

- **Generative AI:** This is a more advanced form of AI that does not just analyse information—it creates something new based on what it has learned. It is trained on massive datasets that include text, images, or other forms of content. Tools like ChatGPT use Generative AI to write text responses to questions. They do this by predicting the most likely next word in a sentence, based on patterns they have seen in the data. Another example is DALL·E, which creates images based on a description you give it, like "a courtroom in the style of a cartoon."

    - ○ Example: ChatGPT, DALL E

(Figure: Image generated using ChatGPT using the prompt "generate a cartoon style courtroom with the Tanzanian flag hanging in the back behind the judge.")

Each of these types of AI relies on patterns in data, not human reasoning. They follow algorithms which are sets of instructions that tell the system what to do with the information it receives. AI cannot think, feel, or understand context the way people can.

How can artificial intelligence be used in the judicial sector?

AI is already being used in different ways across the legal profession and justice systems around the world. While its use in the judiciary is still developing, AI has the potential to improve efficiency, support legal research

and help manage growing caseloads. However, it is important to remember that AI is not a replacement for human judgment or professional skill.

Legal research

AI-powered legal research tools can save time by:

- Searching through large volumes of case law, statutes, and legal articles quickly.
- Suggesting relevant precedents or legal principles.
- Summarising lengthy cases or judgments.

Example: Tools like LexisNexis, Westlaw Edge, and Bloomberg Law now include AI features that assist lawyers and judges in finding relevant legal materials more efficiently.

Assisted drafting and editing:

AI tools can assist judges and legal professionals in drafting documents by:

- Improving the structure and flow of judgments or legal opinions.

- Identifying grammatical errors and spelling mistakes.

- Offering suggestions to simplify language for better accessibility.

- Generating basic templates or suggested text for common judicial documents.

Example: Tools such as Microsoft Word's AI Editor, Grammarly, or more advanced AI writing assistants can support clear and concise drafting. These tools help ensure that legal documents are accurate, professional, and accessible, while always requiring human review and final approval.
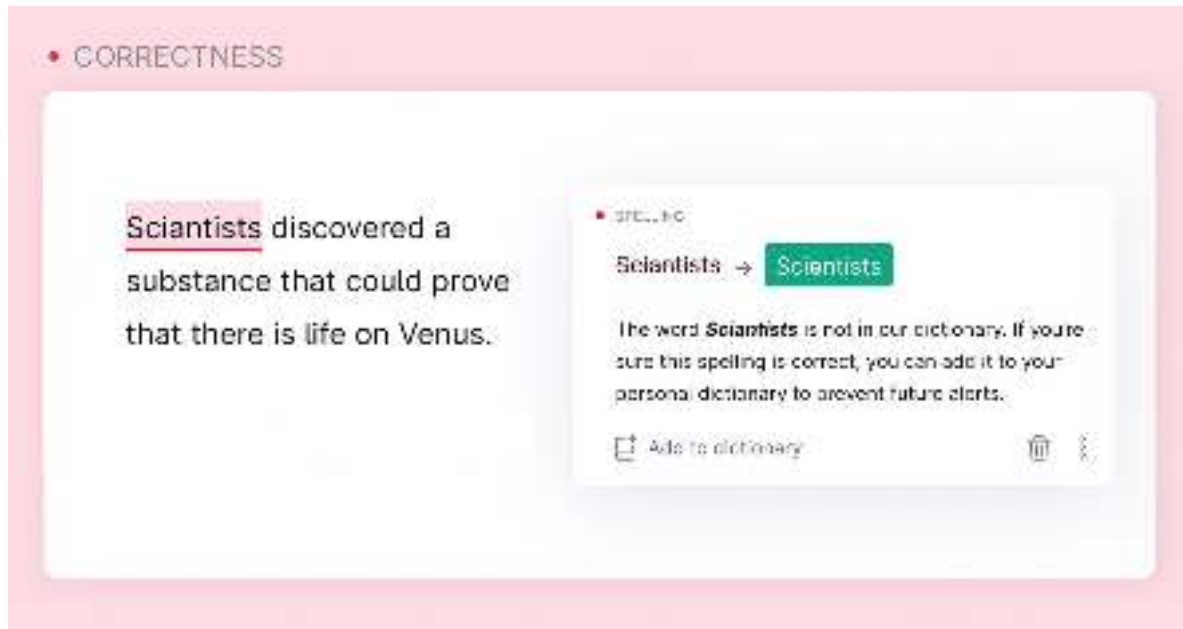
(Figure: Screenshot from the Grammarly website showing how the tool detects spelling mistakes.)

Predictive analytics (Experimental Use)

In some jurisdictions, AI tools have been used to:

- Predict case outcomes.
- Suggest sentencing ranges.
- Identify patterns in previous judgments.

Important Note: These predictive tools are still experimental and controversial. They should not replace judicial reasoning.

The controversy arises from concerns about transparency, fairness, and the risk of reinforcing existing biases in data. Most predictive tools operate as "black boxes," meaning it is difficult to understand how they reach their conclusions. This lack of explainability poses a serious challenge in legal contexts, where decisions must be reasoned, justifiable, and open to review. In addition, if the data used to train the model reflects biased or unequal treatment, the tool may repeat or even amplify those inequalities.

At most, these tools may assist with identifying patterns or providing context, but the final decision must always be made by a human judge, applying legal reasoning and considering the individual facts of each case.

Real-world example:

In the United States, a tool called **COMPAS** (Correctional Offender Management Profiling for Alternative Sanctions) has been used to help make parole and sentencing decisions. It uses data such as age, prior arrests, and employment history to assess the risk of re-offending. However, investigations by civil rights groups and journalists have shown that COMPAS may produce biased results, particularly against minority groups. In one study by *ProPublica* (2016), the tool was found to have a higher false positive rate for Black defendants meaning it was more likely to wrongly predict that they would reoffend.

This example highlights why caution is essential. While predictive analytics may support administrative planning or pattern recognition, the final decision in any case must always be made by a human judge applying independent reasoning.

What are some of the legal and ethical things to consider when using artificial intelligence?

AI poses significant ethical and operational risks that must be carefully considered in the judicial context.

Hallucination and inaccuracy:

Generative AI systems can produce information that is factually incorrect, misleading, or entirely made up. This phenomenon is known as hallucination. Hallucinations happen because generative AI does not retrieve answers from a database of verified facts or legal authorities. Instead, it works by predicting what words are most likely to come next in a sentence based on patterns it has learned during training. As a result, the AI may produce text that *sounds*

convincing but has no factual or legal basis. This is especially risky in legal contexts. Judicial officers must independently verify all AI-generated content using trusted sources such as TanzLII or official court records. Even when an answer appears detailed and well-written, it may be incorrect.

Real-World Examples: Misuse of Generative AI in Legal Proceedings

Tanzania:

One known case has emerged where AI-generated legal material was used in court submissions. In both cases, the documents included inaccurate references. While the errors were corrected before final rulings, the incidents raised early warnings about the risks of unverified AI use in judicial settings. The Tanzanian judiciary has since encouraged greater awareness and caution when using such tools.

- [FAM v ZAM 2025 TZHC 3948 (15 July 2025)](#)

South Africa:

In at least three reported cases, legal counsel relied on generative AI to draft heads of argument. In each instance, the AI cited legal cases that did not exist. Judges identified the errors and found that the fabricated cases had misled the court. The matters were referred to the Legal Practice Council for investigation, with concerns that counsel had breached their ethical and legal obligations by failing to independently verify the information.

- *[Parker v Forsyth NNO and Others (1585/20) [2023] ZAGPRD 1 (29 June 2023)](#)* para 78 - 93.6
- *[Mavundla v MEC: Department of Co-Operative Government and Traditional Affairs KwaZulu-Natal and Others (7940/2024P) [2025] ZAKZPHC 2; 2025 (3) SA 534 (KZP) (8 January 2025](#)*) para 20 - 42

- *Northbound Processing (Pty) Ltd v South African Diamond and Precious Metals Regulator and Others* (2025/072038) [2025] ZAGPJHC 661 (30 June 2025) para 86 - 96

Bias and Discrimination:

AI systems may inherit biases present in the data they were trained on. This could result in outputs that perpetuate stereotypes, reflect historical discrimination, or create unfair outcomes.

For example, a well-known study on criminal risk assessment tools in the United States, such as COMPAS, showed racial bias against minority groups, with higher false positive rates for predicting re-offending

Data Protection and Privacy Risks:

Using AI tools may involve inputting sensitive information, including personal data from case files. This raises important concerns under data protection laws, such as the Personal Data Protection Act (PDPA) in Tanzania or the General Data Protection Regulation (GDPR) in the European Union. Judges and court staff must:

- Avoid inputting identifiable or sensitive case information into publicly available AI tools.
- Ensure compliance with applicable data protection obligations.
- Consider the risks of data storage, sharing, and unauthorised access when using AI-powered platforms.

Example: If a court clerk uploads case details into a publicly accessible AI tool, there is a risk of unintended disclosure of sensitive or confidential information, violating privacy obligations.

Judicial staff and lawyers must ensure that AI tools are appropriately vetted, secure, and compliant with applicable privacy regulations before use.

Best practices to follow

Best Practices for AI Use

1. **Avoid uploading identifiable or sensitive data** into publicly available AI tools.
   - Example: If a court clerk or lawyer uploads a client's affidavit into an online chatbot, there is a risk that information could be stored or exposed.
2. **Use vetted and approved tools only.**
   - Make sure the AI platform has been reviewed and approved by your institution, court, or law firm.
   - Verify that the tool complies with your organisation's privacy and information security requirements.
3. **Check the tool's terms of use and data policy.**
   - Confirm whether the tool allows you to opt out of having your data used for model training.
   - Choose platforms that offer enterprise or legal-grade data protection features.
4. **Be transparent about AI use.**
   - Where appropriate, clearly state when AI has been used to produce or assist in drafting any part of a legal document.
   - This ensures accountability and maintains trust in legal processes.

5. **Ensure ongoing compliance.**
   ○ Stay informed about national data protection requirements and AI-related policies in your organisation.
   ○ Regularly review internal guidance on the use of AI and emerging technologies.

Intellectual Property (IP) Concerns:

AI-generated content may involve intellectual property challenges, including:

● Uncertainty over copyright ownership of AI-created text, images, or decisions.
● Risk of inadvertently using copyrighted material in AI outputs without proper attribution or permissions.
● Potential legal disputes over the use or reuse of AI-generated content in judicial contexts.

Example: If an AI generates draft text for a judgment, questions may arise about the originality and ownership of the text.

There is also the risk that AI tools may reproduce material drawn from copyrighted sources without proper permissions, potentially exposing users to legal claims.

Key guidelines

To ensure the responsible use of AI in judicial work, judicial officers are encouraged to follow these detailed guidelines.

Responsible AI Use in Judicial Work

Verify and Validate Outputs
Cross-check AI outputs with reliable legal sources

Ensure Transparency
Be open about AI use to build trust

AI as an Aid
AI enhances efficiency but doesn't replace judicial decisions

Safeguard Data and Privacy
Protect sensitive data by using secure AI tools

Avoid Over-Reliance on Predictive Tools
Treat predictive analytics as one of many inputs

Maintain Human Oversight
Ensure AI doesn't delegate judicial discretion

Seek Continuous Learning
Stay informed about AI developments and legal implications

- **Use AI as an Aid, Not a Decision-Maker:** AI should serve to enhance efficiency and support research or drafting but should never replace the judicial officer's core responsibility to make independent, reasoned decisions. Example: Using AI to help draft procedural orders but relying on personal legal expertise for substantive rulings.
- **Verify and Validate Outputs:** Always cross-check AI-generated information with reliable legal sources. Do not accept outputs at face value, particularly where legal accuracy or fairness is at stake. Example: If an AI tool suggests a precedent, verify it through official case law databases before citing it in a judgment.

- **Ensure Transparency:** Be open about the use of AI tools in drafting or research. Consider noting in the record when AI-assisted tools have been used, especially if they form part of the reasoning process or case management. This promotes accountability and helps build trust in judicial processes.

- **Safeguard Data and Privacy:** Avoid inputting sensitive or personally identifiable information into AI systems, especially publicly accessible platforms. Ensure that any AI technology used complies with data protection standards. Example: Using secure, locally-hosted AI tools within court systems rather than cloud-based commercial services for handling case materials.

- **Avoid Over-Reliance on Predictive Tools:** Treat predictive analytics, if used, as one of many inputs and not as determinative. The judge's role in interpreting context, values, and equity remains paramount. Example: A predictive case backlog analysis may inform resource planning but should not dictate procedural fairness or prioritisation of cases.

- **Maintain Human Oversight:** Judicial officers should maintain control over decision-making processes and ensure that the use of AI does not inadvertently delegate judicial discretion to an algorithm. Example: Even if AI suggests a sentencing range, the judge must weigh all mitigating and aggravating factors before deciding.

- **Seek Continuous Learning:** AI and its applications are evolving. Judicial officers should seek ongoing training and stay informed about AI developments, risks, and legal implications.

These practices align with international principles, such as the Council of Europe's European Ethical Charter on AI in Judicial Systems and the EU AI Act which highlights the importance of:

- Respecting human dignity and fundamental rights.

- Ensuring that AI use is transparent, explainable, and under human control.
- Promoting fairness and non-discrimination in AI-assisted processes.

Ethical AI Practices Overview

Respecting Human Dignity
Upholding the inherent worth of individuals

Transparency and Explainability
Ensuring AI processes are clear and understandable

Human Control
Maintaining human oversight in AI operations

Fairness and Non-Discrimination
Promoting equitable outcomes in AI applications

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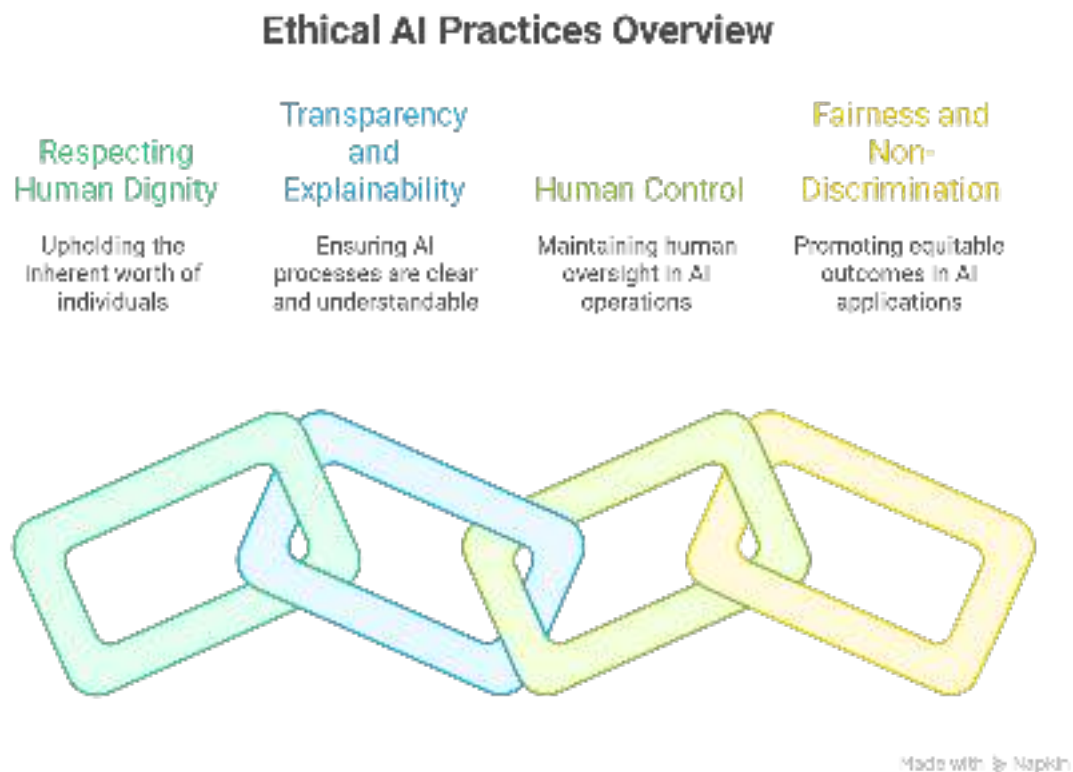
ParticipantsTask:

Testing AI-Assisted Legal Research

This practical exercise is designed to help participants explore how generative AI tools can assist with legal research, while also highlighting the need for careful verification and human oversight.

Objective:

To use an AI tool to research a legal principle, then manually verify the results using a reliable source (TanzLII).

Instructions:

1. Open any generative AI tool of your choice, such as:

   ChatGPT (chat.openai.com)

   ○ Claude.AI (claude.ai)

   ○ Perplexity (perplexity.ai)

   Microsoft Copilot

2. Type the following prompt (or similar):

   "Explain the legal principle of stare decisis in Tanzanian law and provide examples or case law references."

3. Read the AI-generated response carefully. Take note of:

   ○ Whether the explanation is accurate.

   ○ Any case names, statutes, or legal sources cited.

   ○ How clearly and confidently the tool presents the information.

4. Now open the Tanzanian Legal Information Institute (TanzLII) website:

   ○ https://tanzlii.org/

5. Use the search function to verify:

   ○ Whether the cases or authorities mentioned by the AI tool actually exist.

   ○ Whether they support the explanation given.

   ○ If alternative or more reliable sources can be found.

Reflection Questions:

- Did the AI tool provide accurate or fabricated cases?
- Was the principle of stare decisis correctly explained?
- How useful was the AI in helping you understand or locate the law?
- What risks would arise if a judicial officer relied on this answer without verification?

Key Takeaway:

This exercise shows both the potential and limitations of generative AI in judicial research. While AI tools may be useful for a general overview or a starting point, they are not a substitute for proper legal research using trusted sources like TanzLII. Human judgment, legal knowledge, and verification remain essential.

Part 6: Ethical Use of Information and Citation

Overall Session Timing: 16:00 – 16:30 (30 minutes)

Micro-Module Card Template

Trainer Card

Field	Details
Aim	Build participants' habits and tools for accurate, transparent, and ethical use of legal information — covering verification, plagiarism avoidance, bias checks, privacy, AI use, and court-ready citation in Tanzanian practice.
Total time	60 minutes · 30 min theory + demos · 25 min hands-on · 5 min debrief
Key concepts	Accuracy & due diligence → plagiarism prevention → source bias awareness → confidentiality & PDPA compliance → human-in-the-loop AI use → cite sources, not tools → Tanzanian citation conventions → research log discipline.
Trainer flow	Accuracy & due diligence (5 min)· Verify before you rely: confirm currency/authenticity on TanzLII & official Gazettes.· Keep a research log: date searched, database/URL, exact citation/version checked, outcome.Plagiarism vs proper attribution (7 min)· Quote: use quotation marks + pinpoint (para/page).· Paraphrase: put in your own words and still cite.· Cross-check every footnote with your log entry before filing.Bias awareness (5 min)· Triangulate sources (.gov, .edu, .org, reputable .com); check author credentials & editorial process

The integrity of the justice system relies heavily on the ethical conduct of all judicial officers ,legal professionals, and other officers of the court, particularly

in how they acquire, use, and present legal information. This includes adhering to ethical principles in research, properly attributing sources, and responsibly integrating emerging technologies like AI.

Learning Objectives:

By the end of this session, participants will be able to:
- Explain the importance of ethical conduct in legal research and information use.
- Identify key ethical principles that apply to the work of judicial officers and other legal professionals.
- Describe how to properly attribute legal sources in research and writing.
- Recognise the ethical responsibilities involved in using emerging technologies, including AI, in legal work.
- Apply ethical decision-making when acquiring, using, and presenting legal information.

Ethical Principles in Legal Research

Ethical legal research goes beyond simply finding the "right answer"; it involves a commitment to honesty, accuracy, and fairness.

- **Accuracy and Due Diligence:**
  - **Verify Information:** Always ensure that the legal information you rely on is accurate, up-to-date, and from a credible source. Do not rely on unverified or outdated information.
  - **Thoroughness:** Conduct reasonably exhaustive research to ensure all relevant primary and secondary sources have been considered. Avoiding "cherry-picking" information that only supports a pre-conceived conclusion.
- **Plagiarism:**
  - **Definition:** Presenting someone else's words, ideas, or intellectual property as your own without proper attribution.

- ○ **Consequences:** Plagiarism is a serious academic and professional offense that can lead to severe disciplinary actions, including disbarment for lawyers or dismissal for judicial officers.
- ○ **Prevention:** Every time you confirm that a statute is current or a precedent is still good law, enter the date searched, collection/URL, and the citation you will use. This running log lets you retrace your steps and spot inconsistencies before they reach the draft judgment. Prevention best-practice:
  - Quote with care: when you copy verbatim, enclose the passage in quotation marks and provide the pinpoint citation.
  - Paraphrase responsibly: restate the idea in your own words and still cite the source, plagiarism and misattribution are errors as serious as misciting the law.
  - Double-check against the log: before finalising, cross-compare every footnote or endnote with the entry in your research log to ensure the citation matches the exact version or judgment you verified on TanzLII.

Keeping the log and following meticulous citation habits together cut the risk of relying on outdated authority or misquoting the court, reinforcing accuracy and credibility in every ruling or opinion you produce.

- ● **Bias Awareness:**
  - ○ **Sources of Bias:** Legal research, especially when relying on secondary sources, requires vigilance against bias. Secondary sources can reflect the perspectives, assumptions, or agendas of their authors, publishers, or even the broader legal or political systems they operate within.

- ○ **Critical Evaluation:** When evaluating the credibility and impartiality of a source during legal research, you should consider the following:
  - ■ **Author Credentials & Affiliations:** Assess the author's background, professional qualifications, and institutional or ideological affiliations. An academic legal scholar, a government legal advisor, or an activist may each frame issues differently.
  - ■ **Publisher or Platform Type:** The nature of the publishing body offers insight into potential bias:
  - ■ **".edu" domains** often belong to educational institutions. These sources tend to be research-focused and evidence-based, though individual authors may still reflect particular theoretical leanings.
  - ■ **".gov" domains** are operated by government institutions and are generally reliable for official positions, statutes, policies, and administrative rulings. However, they may reflect the current government's stance or omit critical perspectives.
  - ■ **".org" domains** typically belong to non-profit organisations. While these may provide valuable insights or advocacy perspectives, their content should be evaluated in light of the organisation's mission and funding sources.
  - ■ **".com" domains** (commercial) may host a mix of high-quality commentary, or low-credibility content. Check for editorial oversight, citation of sources, and transparency in authorship.
- ○ **Mitigation:** Seek out diverse perspectives and a wide range of sources to provide a balanced understanding of the legal issue.
- ● **Confidentiality and Privacy:**

- Ensure that in the course of research, particularly when dealing with factual information related to clients or cases, confidentiality and privacy are strictly maintained.

Citation Standards for Tanzanian Legal Practice

Proper citation is a fundamental component of legal writing and research. It ensures accountability, allows readers to verify sources, and upholds the intellectual integrity of legal documents. While specific comprehensive citation guides for Tanzanian law may vary, adherence to general principles and consistency is key.

General Principles of Legal Citation:

- **Accuracy:** Citations must be precise and allow the reader to easily locate the cited material.
- **Consistency:** Use a consistent citation style throughout your document.
- **Clarity:** Citations should be clear and unambiguous.
- **Sufficiency:** Provide enough information for unique identification of the source.

Common Tanzanian Legal Source Citation Guidelines (Examples):

Citation of judgments in tanzania is guided by the circular issued by The Chief Justice on how to cite cases. The interpretation of Laws Act Chapter 1 gives guidance on Commencement and citation of laws. For journals and academic writing, The University of Dar es Salaam School of Law Citation and Referencing Guidelines

https://www.udsm.ac.tz/sites/default/files/2025-02/20210208_092225_UNIT_16_CUSTOM_PAGE_UDSoL%20citation%20styles.pdf gives guidance to students when writing their assignments, research proposals, advanced papers, graduate essays, dissertations and theses with a view to ensuring uniformity and consistency in terms of citation and referencing.

The following are generally acceptable practices

1. **Legislation (Acts of Parliament):**
   - **Full Title:** When first mentioned, use the full title of the Act and its year.
     - *Example:* The Penal Code, Chapter 16 of the Laws of Tanzania, Revised Edition 2002.
   - **Short Title/Abbreviation:** Subsequently, you can use a short title or an abbreviated form if clear.
     - *Example:* The Penal Code.
   - **Specific Sections:** Refer to specific sections as "Section X of the Act" or "s. X."
     - *Example:* Section 131(1) of the Penal Code.

2. **Subsidiary Legislation (Regulations, Rules):**
   - Cite the full name of the subsidiary legislation, the enabling Act, and the relevant Legal Notice (LN) or Government Notice (GN) number and year.
     - *Example:* The Traffic Regulations, 2021, under the Road Traffic Act, Cap. 168 R.E. 2002, GN. No. 123 of 2021.

3. **Case Law (Judgments):**
   - **Party Names:** Use the full names of the parties (usually italicized and sometimes in plain font in citations).
     - *Example: Republic v. John Doe.*
   - **Year and Court:** Include the year of the decision and the court that rendered it.
   - **Law Report/Neutral Citation:** If published in a law report, cite the report, volume, and page number. If a neutral citation is available (common for online judgments), use it.
     - Example (Law Report): Joseph Stephen Kimaro & Another vs Republic (2015) T.L.R. 409 [CA] [2015] TZCA 317 (13 October 2015)

- **Example (Neutral Citation):** Joseph Stephen Kimaro & Another vs Republic (Criminal Appeal No. 340 of 2015) [2015] TZCA 317 (13 October 2015)
    - ○ **Specific Paragraphs:** When quoting or referring to specific points, cite the paragraph number(s).
        - Joseph Stephen Kimaro & Another vs Republic [2015] TZCA 317, para. 10.

4. **The Constitution:**
    - ○ Refer to the Constitution by its full title and specific articles.
        - **Example:** The Constitution of the United Republic of Tanzania, 1977 (as amended), Article 13(6)(a).

5. **Secondary Sources (Books, Journals, Websites):**
    - ○ **Books:** Author, Title (italicized), Edition (if applicable), Publisher, Year, Page Number.
        - **Example:** Chris Maina Peter, *Human Rights in Tanzania: Selected Cases and Materials* (Mkuki na Nyota Publishers, 2005) 45.
    - ○ **Journal Articles:** Author, "Title of Article" (Year) Volume Journal Abbreviation First Page, specific page.
        - **Example:** Issa G. Shivji, "The Legal Foundations of the Union of Tanganyika and Zanzibar" (1990) 17 Eastern Africa Law Review 1, 15.
    - ○ **Websites:** Author (if known), "Title of Page/Document," Website Name, URL (Accessed Date).
        - **Example:** Tanzania Legal Information Institute, "About TanzLII," www.tanzlii.org/about-tanzlii (accessed 15 June 2025).

Importance of Consistent Citation:

- **Credibility:** Proper citation enhances the credibility of your legal arguments.
- **Verifiability:** Allows other legal professionals (judges, opposing counsel) to easily locate and verify your sources.
- **Avoiding Plagiarism:** It is essential for acknowledging the intellectual property of others.
- **Professionalism:** Adherence to citation standards reflects professionalism and diligence.

It is advisable for each legal institution or court to establish and circulate its preferred citation guidelines to ensure uniformity within its documents.

Ethical Use of AI in Courts

The integration of Artificial Intelligence (AI) into judicial processes presents new ethical considerations that judges, magistrates, and lawyers must navigate carefully.

- **Accountability and Responsibility:**
  - **Human Oversight:** Even when AI tools are used, the ultimate responsibility for judicial decisions and legal advice rests with the human judge, magistrate, or lawyer. AI should serve as an assistant, not a replacement for human judgment.
  - **Transparency:** When AI is used in the judicial process (e.g., for case prediction, document analysis), there should be transparency about its use and limitations. Parties should be aware if AI tools have informed aspects of a decision or process.
- **Fairness and Bias:**
  - **Algorithmic Bias:** AI systems can inherit biases present in the data they are trained on, potentially leading to discriminatory or unfair outcomes. Judicial officers must be aware of this risk and

take steps to mitigate it, ensuring AI tools do not perpetuate or amplify existing societal biases.

- ○ **Equitable Access:** Ensure that the benefits of AI are accessible to all, and that the introduction of AI does not create a digital divide or disadvantage certain parties.

- ● **Data Security and Privacy:**
  - ○ Strict protocols must be in place to protect the sensitive data used by AI systems in the legal context, complying with all relevant data protection laws in Tanzania.

- ● **Reliability and Explainability:**
  - ○ **Verifiability:** AI-generated output (e.g., research summaries, suggested arguments) must always be verifiable against original sources.
  - ○ **Explainability:** Strive to use AI tools whose decision-making processes are understandable and auditable, especially for high-stakes judicial applications.

- ● **Guidance from International Principles:**

  Courts that are exploring chatbots, predictive analytics, or AI-assisted transcription need a compass that is broader than any single set of rules. Alongside the recent NCSC Thomson Reuters "Principles for AI in Courts" (2025)[https://media.licdn.com/dms/document/media/v2/D4E1FA QEZlZOefjfpkQ/feedshare-document-pdf-analyzed/B4EZXJOzRkG0AY-/0/1742837863433?e=1754524800&v=beta&t=AGLHZMNIIo2KvKswN_d yUloSk2LNAkkeWulasJdUwPY](https://media.licdn.com/dms/document/media/v2/D4E1FAQEZlZOefjfpkQ/feedshare-document-pdf-analyzed/B4EZXJOzRkG0AY-/0/1742837863433?e=1754524800&v=beta&t=AGLHZMNIIo2KvKswN_dyUloSk2LNAkkeWulasJdUwPY) ,which stress accountability, explainability, fairness, privacy, and judicial competence, judiciaries can consult several complementary instruments:
  - ● Council of Europe, CEPEJ "European Ethical Charter on the Use of AI in Judicial Systems" (2018): [https://www.europarl.europa.eu/cmsdata/196205/COUNCIL%20O F%20EUROPE%20-%20European%20Ethical%20Charter%20on](https://www.europarl.europa.eu/cmsdata/196205/COUNCIL%20OF%20EUROPE%20-%20European%20Ethical%20Charter%20on)

%20the%20use%20of%20AI%20in%20judicial%20systems.pdf
the first regional code aimed squarely at courts; it requires that any judicial AI tool remain under user (judge) control and be subject to regular quality-and-security audits.

- UNESCO "Recommendation on the Ethics of AI" (2021): https://www.unesco.org/en/artificial-intelligence/recommendation-ethics adopted by all AU member states, it adds environmental sustainability, cultural diversity, and gender considerations that are highly relevant to multilingual African court systems.
- African Union / AfCFTA Digital Transformation Strategy https://au.int/sites/default/files/documents/385 stresses data sovereignty, bias mitigation for historically marginalised groups, and the need for regional capacity-building so that smaller judiciaries can share model code and oversight expertise.

Part 7: Wrap-Up, Q&A, and Further Resources

Overall Session Timing: 16:30 – 17:00 (30 minutes)

Recap of Key Takeaways

Throughout this training module, we have covered fundamental aspects of legal research crucial for the Tanzanian Justice Sector. Let's briefly recap the key learning points:

- **Legal Research is Foundational:** It is the bedrock for informed legal arguments, sound judicial reasoning, and the efficient disposal of cases.
- **Understanding Sources:** Distinguishing and effectively using both primary (Constitution, Statutes, Case Law) and secondary sources (journals, treatises, reports) is paramount.
- **Systematic Approach:** Adhering to a structured research process (analyse, use secondary, follow leads, review, check currency, document) ensures thoroughness.
- **Mastering Tanzanian Resources:** TanzLII is the essential online portal for finding current and historical Tanzanian legislation and case law. Knowing how to navigate commencement dates, amendments, and case precedents is critical.
- **Broadening Horizons:** Regional (EAC law, African human rights instruments) and international legal sources are increasingly relevant and must be integrated into comprehensive research.
- **Embracing AI Responsibly:** Artificial Intelligence offers powerful tools for enhancing research and writing efficiency, but its use demands critical evaluation, awareness of biases, and strict adherence to ethical principles, with human oversight remaining paramount.
- **Ethical Practice and Citation:** Maintaining accuracy, avoiding plagiarism, and consistently citing sources are non-negotiable professional responsibilities that uphold the integrity of the legal system.

- **The Paralegal's Contribution:** Early involvement of paralegals in initial documentation and connecting individuals to support services significantly enhances the quality of evidence and supports the overall justice process.

Q&A Session

This is an opportunity for you to ask any lingering questions, seek clarification on specific topics, or discuss challenges you foresee in applying these skills in your daily work. Your questions are valuable and contribute to the collective learning experience.

Further Resources for Continuous Learning

Mastering legal research is an ongoing journey that requires continuous practice, adaptation to new technologies, and a commitment to lifelong learning. Here are resources to support your continued growth:

- **Tanzania TanzLII User Guide:** (If available, or explore the TanzLII site itself) – encourages continuous familiarization with new TanzLII features and content updates.
- **GlobaLex Guide: "Tanzanian Legal System and Legal Research" by Manning & Kasera:** A comprehensive online guide that can serve as an excellent reference text for deeper dives into the Tanzanian legal system and research methodologies.
- **Law Library of Congress – Tanzania:** An online portal with curated links to key Tanzanian legal materials and broader legal research resources.
- **IOJT Journal "Judicial Education and Training":** For those interested in the theoretical and practical approaches to judicial education globally, providing insights into best practices and evolving trends (optional, for the theory-inclined).
- **NCSC/Thomson Reuters "Principles for AI in Courts" (2025):** A short, practical guide on the ethical use of AI by courts, providing valuable

principles to consider as AI tools become more prevalent. (Available as a PDF).

- **UNESCO MOOC on AI and the Rule of Law:** Visit unesco.org for information on enrolling in this free online course if you wish to dive deeper into the ethical, legal, and societal implications of AI in the context of the rule of law.

- **Database Access Information:**
  - Contact the Judicial Training Institute or your Court library for information on accessing commercial legal databases such as **LawAfrica** or **JUTA**, including any provided credentials or subscription details.
  - Also, be aware of the helpdesk or IT support available for **TanzLII** or general IT support for judicial officers within the Judiciary of Tanzania, should you encounter technical issues.

Conclusion

Legal research is not a static skill; it evolves with changes in law, technology, and societal needs. This course has provided you with the foundational tools and a roadmap. Continued practice, curiosity, and collaboration will solidify these skills.

Part 8: Tips for Trainers

The Institute of Judicial Administration (IJA) will select and prepare a pool of trainers who will undergo a dedicated Training of Trainers (ToT) session prior to the main training activities. This preparatory program is designed to familiarize trainers with the methodology, training materials, content, and overall training plan.

As they prepare and deliver the training, trainers should keep the following practical guidelines in mind:

- Familiarize yourself with the training venue and environment in advance.
- Prepare thoroughly and practice your presentation beforehand.
- Adapt and revise your materials as needed to suit the audience.
- Test your presentation to ensure smooth delivery.
- Manage time effectively and be mindful of punctuality throughout.
- Maintain a strong, professional presence, pay attention to body language, gestures, and appropriate attire.
- Establish clear ground rules, such as allowing one person to speak at a time.
- Use clear and concise text slides, ensuring consistency in font size and style.
- Present rather than read directly from slides; use notes as a reference rather than a script.
- Select slide colours thoughtfully for clarity and visual appeal.
- Remain humble and encourage participants to share their own experiences.
- Strive to make your presentation interactive and engaging.
- Avoid asking questions for which you are unsure of the answers.
- Actively involve participants by asking them to read slides on legal frameworks or case law, present concepts, or lead recaps at the end of the day.

- Keep detailed notes and materials for reporting and documentation purposes.
- Be mindful of protocol, especially during opening and closing sessions, to ensure respectful and professional interactions among all participants.