JAMHURI YA MUUNGANO WA TANZANIA | WIZARA YA KATIBA NA SHERIA

MAGAZETINI WIKI HII

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What Samia legal aid campaign seeks to attain

By DATIVA MINJA

THE Ministry of Constitution and Legal Affairs has launched Mama Samia Legal Aid campaign with the aim of providing legal aid to the public throughout the country for three years.

In the campaign, the ministry will educate the public on the rights to protect human rights, respect and dignity.

The campaign will also strengthen access to rights of the public and the provision of legal aid in increasing legal understanding and human rights in the community, especially the rights of women and children.

Launching the campaign in Dar es Salaam yesterday, the Minister for Constitution and Legal Affairs, Dr Damas Ndumbaro (pictured) noted that the slogan of the campaign should be "Unite with Mama Samia to oppose cruelty, respect the dignity of your fellow, protect your neighbour's child; Let's build a country with dignity, honour and peace".

Dr Ndumbaro said that the campaign will be carried out in Tanzania Mainland and Zanzibar and implemented in three phases for a period of three years till December 2026.

The minister pointed out that the campaign will help to deal with traditions and customs, which conflict with the laws of the country, so that society understands and respects their traditions.

It will also focus on strengthening the legal advice service for victims and survivors of sexual violence.

He said the campaign will help to increase public awareness on legal education for the public, issues of human rights and responsibilities and the basics of good governance as well as involving other important matters that affect society in the entire justice system.

"The issues that will be addressed are the management of inheritance and legacy, land law and the right to own property, conflicts' resolutions by alternative means, especially for the leaders of local governments, ward executives, villages, members of land councils, traditional elders and famous elders as well as religious leaders," said Dr Ngumbaro.

He said the campaign is a constitutional and legal entity and has been named after the

efforts of President Samia Suluhu Hassan to focus on human rights, the rule of law, obedience to the law and constitutional as well as legal education for the public.

"The president has been stressing that the presence of good laws alone is not enough, but the citizens also need to be educated about the laws of the country, so that they should know their rights and responsibilities. She has been expressing her concerns about the acts of cruelty done to children and women in our communities," Dr Ndumbaro quoted

He said by establishing and recognising a cadre of legal assistants, there have been legal achievements in providing justice, where from 2017 to date, a total of 4790 legal assistants were trained and 1073 registered and licensed in mainland Tanzania, while in Zanzibar, they trained 370 legal assistants and 258 were registered and licensed.

Dr Ndumbaro said 3.2 million people were given legal and human rights education in the country within six months, while 42,000 were given legal aid for six months.

On her part, The Tanzania Women's Lawyers Association (TAWLA) Executive Director, Tike Mwambipile commended the launching of the campaign and said that they have been providing the service due to the fact that many women and children are facing legal problems.

She said due to financial challenges victims have not been receiving proper services for many lawyers and instead have been charging high costs to support legal challenges.

Serikali kufanya kampeni haki za binadamu nchini

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Dar es Salaam. Serikali kwa kushirikiana na wadau mbalimbali itafanya kampeni ya msaada wa kisheria na kuelimisha wananchi juu ya masuala ya mirathi, haki za binadamu na ukatili wa kijinsia, ili kuwajengea uwezo na kuwawezesha kupata haki zao.

Kampeni hiyo inayojulikana kama "kampeni ya kitaifa ya huduma ya msaada wa kisheria ya mama Samia" itafanyika ndani ya miaka mitatu hadi Februari 2026 huku ikitarajiwa kuwafikia wananchi katika mikoa yote nchini.

Akizindua kampeni hiyo jijini Dar es Salaam jana, Waziri wa Katiba na Sheria, Dk Damas Ndumbaro alisema kampeni hiyo itaangalia upatikanaji wa haki za watu wasiojiweza hasa wanawake, watoto na wale wa makundi maalumu.

Alisema jambo hilo limekuwa likifanywa na baadhi ya asasi za kiraia katika maeneo yao na kwa makundi wanayoyalenga, lakini kampeni hiyo ya kitaifa itakuwa ya nchi nzima na itawagusa watu wote.

"Si kila jambo lazima mtu akimbilie mahakamani, hili muhimu wananchi wakajua. Tunazo taasisi nyingi za usuluhishi wa migogoro kabla hata ya kwenda mahakamani, tuna CMA (Tume ya Usuluhishi na Uamuzi), kama ni masuala ya kikodi tuna TRAB na TRAT," alisema waziri huyo.

Mkurugenzi Mtendaji wa Chama cha Wanasheria Wanawake (Tawla), Tiku Mwambipile alisema kampeni hiyo imekuja wakati mwafaka na itawasaidia wanawake na vijana ambao hawana uwezo wa kifedha kupata haki zao. Mkurugenzi Mtendaji wa Kituo cha Sheria na Haki za Binadamu (LHRC), Anna Henga alisema watashirikiana na Serikali katika utekelezaji wa kampeni hiyo.

Mawakili waiburuta TLS kortini

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Dar es Salaam. Mawakili watatu wanachama wa Chama cha Wanasheria Tanganyika (TLS) wamekiburuta mahakamani chama hicho wakiomba kibali cha kufungua shauri la mapitio ya kimahakama kupinga uamuzi wa kuwalazimisha kujiunga na Chama cha Wanasheria Afrika Mashariki (EALS).

Shauri hilo la maombi ya mapitio ya kimahakama, limefunguliwa na mawakili wa Tanzania, Hekima Mwasipu, Frank Andrew Chundu na Deogratius Cosmas Mahinyila katika Mahakama Kuu Masjala Kuu dhidi ya TLS, EALS na Mwanasheria Mkuu wa Serikali (AG).

Katika hati ya maombi ya shauri hilo namba 2 la mwaka 2023 mawakili hao wanaoomba ridhaa ya Mahakama hiyo wafungue shauri rasmi la maombi ya mapitio ya kimahakama ili itengue maazimio ya mkutano mkuu wa TLS wa Mei 28, 2022.

Maazimio hayo yanatoa sharti la lazima kwa kila wakili ambaye ni mwanachama wa TLS kujiunga na EALS.

Pia, wanaomba ridhaa ya Mahakama kufungua maombi ya kutengua kanuni za TLS zilizotangazwa katika Gazeti la Serikali namba 600 la Oktoba 14, 2022, zilizotolewa na Baraza Kuu la TLS na kutangazwa na AG katika gazeti la Serikali.

Wanapinga uamuzi wa TLS kulazimisha mawakili wa Tanganyika kujiunga na EALS pasipo hiari yao na kuwalazimisha kuchanga ada ya Dola 20 za Marekani (Sh4,740) kwa EALS.

Kanuni hizo zinafanya ada inayolipwa EALS kuwa sharti la lazima kwa mwanasheria kupewa cheti cha uwakili na pia wanaomba ridhaa ya kufungua maombi ya zuio dhidi ya TLS kutekeleza kanuni hizo.

Pia, wanaomba ridhaa kufungua maombi kuomba zuio dhidi ya EALS kuchukua ada ya uanachama kutoka TLS kwa mawakili ambao si wanachama wake.

Katika maelezo yao, mawakili hao wanadai EALS ilisajiliwa kwa Wakala wa Usajili wa Biashara na Leseni (Brela) kwa hiyo ni kampuni binafsi, ambayo kwa mujibu wa sheria ni mali ya wamiliki tu.

Pia, mawakili hao wanadai kulazimishwa kujiunga na chama hicho ni kukiuka haki ya mawakili ya kujiamulia juu ya kujumuika au kutojumuika kwa mujibu wa Katiba ya Tanzania.

Vilevile wanadai TLS imefikia hatua ya kuwanyima vitambulisho halali vya uwakili mawakili wasiolipia ada za EALS ambayo wao hawajataka kujiunga.

Mawakili watatu wanapinga uamuzi wa TLS kulazimisha mawakili wa Tanganyika kujiunga na EALS pasipo hiari yao na kuwalazimisha kuchanga ada ya Dola 20 za Marekani (Sh4,740) kwa EALS.

Mawakili hao wanadai maazimio ya kujiunga na chama hicho yaliamliwa na kikundi cha watu wachache bila kushirikisha mawakili wote na kwamba wanachama wengi hawaoni faida ya EALS.

Shauri hilo linalosikilizwa na Jaji Moses Mzuna lilitajwa wiki iliyopita mahakamani hapo kwa mara ya kwanza.

Mahakama hiyo iliwapa TLS na EALS siku 14 kuwasilisha majibu ya madai hayo pamoja na viapo kinzani.

Pia, Mahakama hiyo iliamuru waombaji kupeleka tena wito kwa Mwanasheria Mkuu wa Serikali kwa ajili ya kufika mahakamani siku hiyo kesi hiyo itakapotajwa tena.

Mwasipu na wenzake wanawakilishwa na mawakili Selemani Matauka na Fedinarnd Makore.

Jaji Mkuu wa Zanzibar, Khamis Ramadhan Abdalla (kushoto) na Jaji Mkuu wa Tanzania, Prof. Ibrahim Juma (kulia), pamoja na majaji wakuu wa Mahakama Kuu Zanzibar wakiingia katika hafla ya maadhimisho ya Siku ya Sheria Zanzibar jana kwenye viwanja vya Mahakama Kuu Tunguu, Wilaya ya Kati Mkoa wa Kusini Unguja. **PICHA: IKULU**

The Guardian

Govt join forces with stakeholders to inaugurate national campaign to boost legal aid support and access to justice

By Getrude Mbago

THE government in collaboration with various stakeholders has launched a three-year national campaign aimed to expand legal aid support and access to justice in the country.

Dubbed: "Mama Samia Legal Aid Campaign" and implemented by the Constitution and Legal Affairs Ministry, the campaign will run from February 2023 to February 2026 focusing on massive public education on legal issues and systems, human rights and fight against gender-based violence (GBV).

Speaking during the launching event in Dar es Salaam yesterday, Minister Damas Ndumbaro said the campaign will also work collaboratively with other ministries to address land disputes as well as fight against customs and traditions that hinder women from inheriting properties and land.

"We have come up with this campaign to also complement big efforts conducted by President Samia Suluhu Hassan to improve access to justice in the country, we have all witnessed how the Head of State is working tirelessly to promote human rights so as to make Tanzania a better and peaceful place," he said.

Dr Ndumbaro said the campaign will reach all villages in Tanzania mainland and Zanzibar as it is jointly implemented by human rights and legal aid stakeholders.

"We will ensure that within the three years, no one is left behind by intensively educating the public on their basic rights and how they can access legal support, we will ensure that Tanzanians are aware of where to go to seek legal support whenever they encounter challenges," he said.

Deputy Minister Geofrey Pinda said they will be conducting an assessment every year to measure the outcomes of the campaign.

He called upon all institutions providing legal services and justice to work together and support the realisation of the campaign goals.

Victoria Mgonela, Child protection specialist from the United Nations Children's Fund (UNICEF) - Tanzania hailed the government for coming up with the campaign and assured that the agency will work closely to support the implementation.

Director of legal rights Lina Msanga at the Registration, Insolvency and Trusteeship Agency (RITA) said that legal issues awareness is very low among Tanzanians, something which causes a lot of disputes, so the campaign will help address the challenge and strengthen access to justice.

"We have come up with this campaign to also complement big efforts conducted by President Samia Suluhu Hassan to improve access to justice in the country, we have all witnessed how the Head of State is working tirelessly to promote human rights so as to make Tanzania a better and peaceful place

DPP ashinda rufani, Mahakama Kuu ilikosea

Na Kulwa Mzee

MAHAKAMA ya Rufani imeondoa adhabu ya faini ya Sh. 71,519,800 badala yake imeamuru wajibu rufani, Papaa Olesikaladai na Batian Balee kutumikia kifungo cha miaka 20 jela baada ya kubaini Mahakama Kuu ilikosea.

Hukumu hiyo ilitolewa juzi mbele ya jopo la majaji watatu; Jaji Gerald Ndika, Jaji Mary Levira na Jaji Omary Othman Makungu wa mahakama hiyo Arusha baada ya kukubaliana na rufani iliyowasilishwa na Mkurugenzi wa Mashtaka nchini (DPP) kupinga hukumu.

DPP aliwasilisha rufani akipinga hukumu iliyotolewa na Mahakama Kuu Divisheni ya Makosa ya Rushwa na Uhujumu Uchumi Arusha mbele ya Jaji Sirillius Matupa.

Wajibu rufani; Papaa Olesikaladai maarufu Lendemu na Batian Malee maarufu Peshuti walitiwa hatiani na kuhukumiwa kwa kosa la kukutwa na nyara za serikali na kupewa adhabu ya kulipa faini kila mmoja ya Sh. 71,519,800 au kwenda jela kutumikia kifungo cha miaka 20.

Wajibu rufani wanadaiwa kuwa Julai 29, 2017, kwenye Kijiji cha Ndarakwai wilayani Siha, Kilimanjaro, walikutwa na meno ya ndovu wawili yenye thamani ya Dola za Marekani 30,000 sawa na Sh. 67,260,000, mali ya serikali.

Inadaiwa shahidi wa pili, Ronald Lyimo na Joseph Masele waliweka mtego na kuwakamata wajibu rufani kwenye Kijiji cha Ndarakwai wakati wa ukaguzi walimkuta mjibu rufani wa kwanza akiwa na vipande viwili vya meno ya tembo na mjibu rufani wa pili alikutwa na kipande kimoja.

Inadaiwa vipande hivyo vilichukuliwa na kupelekwa kikosi cha kukabiliana na ujangili na kukabidhiwa kwa mtunza stoo, James Kugusa.

Mrufani alikuwa na sababu tatu za kupinga hukumu ya mahakama ya chini, anadai kwamba jaji alikosea kisheria kwa kwenda kinyume cha kanuni ambayo inaelekeza thamani ya nyara, kwa minajili ya kutoa hukumu alipaswa kutumia kifungu namba 87 kinachoelekeza utoaji wa adhabu kwa kesi hiyo.

Sababu ya pili, alidai mahakama ilikosea kisheria kwani hukumu ilitakiwa kutolewa kwa sheria ya Uhujumu Uchumi na sio Sheria ya Uhifadhi wa Wanyamapori.

Sababu ya tatu anadai mahakama ilikosea kuwaamuru kulipa faini au kutumikia kifungo cha miaka 20.

Katika shauri hilo, mrufani aliwakilishwa na Wakili Penina Ngotea akisaidiana na Wakili Unice Makala.

Miongoni mwa hoja alizowasilisha mrufani anadai jaji wakati akitoa hukumu hakuzingatia hati iliyokuwa ikionyesha thamani halisi ya nyara.

Wajibu rufani hawakuwa na hoja ya kuwasilisha, waliomba mahakama iwaachie huru.

Mahakaman baada kusikiliza hoja za DPP, ilikubaliana nazo kwamba mahakama ya chini haikutakiwa kutoa hukumu kwa Sheria ya Uhifadhi wa Wanyamapori badala ya Sheria ya Uhujumu Uchumi.

"Mahakama inakubali kuwa wajibu rufani walipaswa kutiwa hatiani na kuhukumiwa kwa kosa la uhujumu uchumi chini ya kifungu 60(2) cha Sheria ya Uhujumu Uchumi.

"Kifungu hicho kinaelekeza kupewa adhabu ya kifungo cha miaka 20 jela bila faini lakini mahakama ilitoa hukumu chini ya kifungu namba 86(2) cha Sheria ya Uhifadhi wa Wanyamapori.

"Mahakama inaona hoja hiyo ina mashiko katika rufani hii, rufani inakubaliwa, adhabu ya faini inaondolewa badala yake wajibu rufani watatumikia kifungo cha miaka 20 jela bila faini," lilisema jopo la majaji.

Kampeni ya Mama Samia ya msaada wa kisheria yazinduliwa

Na Theopista Nsanzugwanko

WIZARA ya Katiba na Sheria imezindua kampeni ya Mama Samia ya msaada wa kisheria kwa lengo la kutoa msaada wa kisheria nchi nzima kwa miaka mitatu.

Katika kampeni hiyo wataelimisha haki ya kulinda mila na desturi nchini, kupingana na mila potofu kutoka nje ya nchi na utoaji wa msaada wa kisheria kwa kuongeza uelewa wa kisheria na haki za binadamu kwa jamii.

Akizindua kampeni hiyo ijulikanayo kama Mama Samia Legal Aid Campaign, Waziri wa Katiba na Sheria, Dk Damas Ndumbaro alitaja kaulimbiu ya kampeni hiyo kuwa ni:

"Ungana na Mama Samia kupinga Ukatili, Heshimu Utu wa Mwenzako; Linda Mtoto wa Mwenzako; Tujenge nchi yenye Staha, Heshima na Amani".

Alisema kampeni hiyo itatekelezwa Zanzibar na Tanzania Bara na kwa kuzingatia mahitaji halisi ukilinganisha na ukubwa wa nchi kampeni hii itatekelezwa kwa awamu tatu kwa muda wa miaka mitatu na kukamilika Desemba mwaka 2026.

Dk Ndumbaro alitaja mifumo itakayoshughulikiwa kuwa ni usimamizi wa mirathi na urithi, sheria ya ardhi na haki ya kumiliki mali, utatuzi wa migogoro kwa njia mbadala hususani kwa viongozi wa serikali za mitaa, watendaji wa kata, vijiji na wajumbe wa mabaraza ya ardhi, wazee wa kimila na wazee maarufu na viongozi wa dini.

Alisema kampeni hiyo imepewa jina la Rais Samia kutokana na jitihada zake za kuzingatia haki za binadamu, utawala wa sheria, utii wa sheria na elimu ya kikatiba na ya kisheria kwa umma.

Alisema kumekuwa na mafanikio ya kisheria katika utoaji haki kwa kuanzisha na kutambua kada ya wasaidizi wa kisheria na kuanzia mwaka 2017 mpaka mwaka huu wasaidizi 4,790 walipatiwa mafunzo na 1,073 kusajiliwa na kupatiwa leseni Tanzania Bara.

Pia Zanzibar waliwapatia mafunzo wasaidizi wa kisheria 370 na 258 wakisajiliwa na kupatiwa leseni na watu milioni 3.2 wamepatiwa elimu ya sheria na haki za binadamu nchini katika miezi sita huku 42,000 wakipatiwa msaada wa sheria kwa miezi sita.