

EFFICACY OF PENAL LAW REGARDING THE ASPECT OF CRIMINAL COMPENSATION TO VICTIMS OF SEXUAL OFFENCES IN TANZANIA

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ABSTRACT

Criminal compensation to victims of crime helps to restore and brings courage to the victims of criminal incidents. However, victims of crime under contemporary criminal justice system are not given much consideration regardless of their mental and physical injuries sustained at the time the criminal incidents were committed against them. Arguably victims of sexual offences in particular they need attention rather than focusing on punishing the offender by convicting and sentencing them while leaving the victims empty handed. In alternative, state through criminal justice system should cover the injuries sustained by the victim in situation where the offender cannot compensate the victim, in cases where the offender cannot be prosecuted and the same should be extended to the dependents of the victims provided that the victim have passed away as a result of the sexual incidentsⁱ. This paper articulates further on the challenges and limitations which affects payment of compensation and means that can be taken to cure and arrest the matter.

INTRODUCTION

Penal law entails, statutory legislation governing and prescribing offences and their sanction or penalties thereon. In its entirety penal law can be also be referred as a body of law which provides for criminal offenses. Penal law is considered as a spectrum which regulates and protects the interest of the people within an established political community by enhancing security of each individual and ensuring the survival of the said established political unit. Penal law is basically categorized under two branches of law, that is to say substantive and procedural law. The Criminal Procedure Actⁱⁱ, falls under procedural branch of law while the Penal Codeⁱⁱⁱ falls under Substantive branch of law. Basically, substantive laws establish criminal acts or offences which are prohibited for the sake of protecting and promoting interest of each individual within a particular community. In contrast procedural law provides for the means or procedures to be adhered when enforcing the provision contained under the substantive law. In situations where the penal laws are not effectives there is high possibility of denial of justice especially to the victims and to the offenders where the law cannot ensure effective remedy^{iv} to the victims of crime and in situations where the law cannot ensure speedy determination of criminal trial and right to fair trial to the offender respectively^v. The purpose of administering justice under the criminal justice system may seem to be un attained in the situation where justice is not served to the victims or anyone who deserve it.

CRIMINAL COMPENSATION

The term compensation can be clarified to mean any means of payment made to a person or legal entity. In other words, compensation can be defined as a payment made by the State to the victim of a crime or their descendants so as to recover the loss or injury accruing from the crime committed by the offender. The victim of a crime deserves to be paid compensation for the caused injuries or losses. Compensation for that aspect can be claimed from the perpetrator with additional interest. It should also be noted that in criminal cases, compensation can be claimed from different angles, that is to say, from stolen property, expenses related to the testament of injuries, mental suffering, permanent suffering, and in case of death, there will be a need of paying the cost of a funeral as well as live hood losses.

Therefore, under that instance, the court can order the offender to pay compensation^{vi}. The same can be evidenced in the case of **Nguza Vikings and 3 others v Republic**^{vii}. in that

particular instance, the court imposed a life sentence on the appellants and ordered them to pay two million shillings as compensation to each of the victims involved in the case. In other jurisdictions, compensation can be obtained from the State Treasury or a special established program for the payment or compensation to the victim of crimes, even in the instance that the offender cannot be prosecuted.

A victim of a crime is someone who has incurred a loss as a result of the accused's actions or inactions. The victim experiences not only physical harm but also emotional distress and financial difficulty. The situation of a victim is only made worse by protracted hearings, tiresome legal procedures, and unethical police behavior. While fighting for compensation for the initial harm, the victim is re-traumatized in the literal sense. The same term applies to the victim's legal heirs and guardians.

LEGAL REGIME GOVERNING THE ASPECT OF CRIMINAL COMPENSATION IN TANZANIA

The aspect of criminal compensation to victims of sexual offences is regulated by several laws as they are provided hereinunder;

i) The Constitution of the United Republic of Tanzania of 1977 as amended.

This is considered the mother of all laws in Tanzania in the sense that it is a supreme law which takes precedence over all laws in Tanzania. With regard to the aspect of the administration of justice by courts in either civil or criminal matters, the constitution has laid down several important principles^{viii} to be adhered to by Magistrates/Judges so as to ensure that the sake of justice is attained. Hence, justice should not only be done but should manifestly and undoubtedly be seen to be done, as it was also stated in the case of **R v Sussex Justices**^{ix}.

Also, according to Article 107A (2)(c)^x, the constitution provides for several guidelines which should be complied with by the administrators of justice so that the purpose of justice can be achieved; under such particular vein, the law provides to the effect that, in the process of delivering justice in either civil or criminal matters in line with other laws, courts are invited to consider certain principles in which as far as this study is concerned the court is obliged to consider and award reasonable compensation to the victim of wrong doing or victim of crime(sexual offences victims) so to say, upon implementation of such requirement still court are obliged to consider other requirements laid down by the parliament through other laws.

Therefore, the Constitution of the United Republic of Tanzania as amended it recognizes and guarantees protection to the victims of crimes, including victims of sexual offenses. However, despite the existence of such constitutional requirements still, there are some problems in practice when it comes to the aspect of compensation to the victim of crimes, especially victims of sexual offences.

Therefore, to meet the standard of enhancing compensation to victims of sexual offences, there is a need of establishing a special statutory scheme for compensating victims of crimes at large, amendments of procedural law which will make it mandatory for judicial officers (judges and magistrates to grant compensation to the victim. In other words, a victim of crime needs to be paid attention to rather than the offender who is going to be convicted while leaving the victim empty-handed with a burden of injuries suffered during the omission.

ii) Sexual Offences Special Provisions Act, 1998

Initially, this law was enacted specifically to cover all matters relating to sexual offences, as it was based much on prescribing all matters relating to sexual offences by providing the meaning of sexual offences and establishing there punishment thereto. This legislation is significant in terms of providing compensation to victims of sexual offences. It was enacted to amend existing laws and introduce special provisions to address sexual offences. The aim is to enhance the protection of women and children in Tanzania, safeguarding their personal integrity, dignity, liberty, and security. For instance, it is through this law the provision of section 130 of the Penal Code^{xi}, was amended and repealed not only that, the same vein has its impact on several other laws, including the provision of the Criminal procedure Act^{xiii} in which, as far as this study is concerned the said law via section 25 of the Penal Code, it amended the provision of the Criminal procedure Act^{xiii}, in which it states as follows;

“Notwithstanding the provision of section 348 of this Act, when a court convicts an accused person of a sexual offence, it shall, in addition to any penalty which it imposes, make an order requiring the convict to pay such effective compensation as the court may determine to be commensurable to possible damages obtainable by a civil suit by the victim of the sexual offence for injuries sustained by the victim in the course of the offence being perpetrated them. The enactment of this law has its crucial role, especially when it comes to all matters relating to sexual offences”^{xiv}.

However, it should be noted that the Sexual offences special provision Act is no longer applicable as it has been incorporated under the provision of every recently amended law which comes into force after its existence. Hence, it was included in this study just for the sake of learning and further understandings.

Generally, sexual offences result in severe negative impacts on the victims as it affects the mental health of the victim or physiological problem; therefore, to arrest the situation, little effort needs to be taken in regulating sexual offences affairs, including re-establishing other specific statutory legislation which will regulate sexual conducts by establishing punishments and the alternative remedy to the victims of sexual conduct.

iii) Penal Code, Cap 16

It is widely accepted that in every legal jurisdiction, there exists a set of established codes or legislation that define criminal offences. In the context of the United Republic of Tanzania, the Penal Code can be considered a legislative enactment by the parliament. It encompasses provisions and guidelines pertaining to criminal acts and transgressions, as well as the corresponding penalties. This Act is a crucial component of the Criminal Justice System in Tanzania, serving as the primary legislation that defines criminal offences and their corresponding penalties. It has a dual purpose, benefiting both the community and the government. It regulates the daily life of the community or public at large as it draws the line of things which should not be committed so as to maintain peace and harmony as well as public order.

As far as this study is concerned Penal Code^{xv} forms the substance of this work in the sense that it is the main domestic legislation which provides for the kinds of sexual offences and their punishment thereon. Charges against offenders of sexual offenses find their legal basis from the provision of the Penal Code^{xvi} particularly as contained under part XV of the said law. The remedy available to the victim of crimes, including victim Sexual offences is also contained under the provision of the Penal Code^{xvii} in which the perpetrator of the crime may be ordered to pay compensation which is one among the punishments contained under Section 25 of the cited law herein above^{xviii}. Section 31 of the same vein provides further that, in situations where an individual has been convicted, the court may adjudge them to pay compensation to anyone who has been injured or has suffered from the offences committed; such compensation may be subject to addition or substitution of any other form of punishment^{xix}.

iv) Criminal Procedure Act, Cap 20

The process of administering justice under the criminal justice system is accompanied by several laws, including both substantive laws and procedural laws. All laws play their role respectively. In contrast, substantive law establishes the rights, then procedural laws come for enforcement and implementation of the established rights. For that purpose, the Criminal Procedure Act^{xx} is there for the sake of enforcing the rights established under the substantive laws. As far as the aspect of compensation to the victim of sexual offences is concerned, the same vein provides for the directives to be complied with by courts while ordering compensation to the victims of crime; such particular aspect is enshrined under section 348A of the Criminal Procedure Act^{xxi}, which states as follows;

“Notwithstanding the provision of section 348 of this Act, when a court convicts an accused person of a sexual offence, it shall, in addition to any penalty which it imposes, make an order requiring the convict to pay such effective compensation as the court may determine to be commensurable to possible damages obtainable by a civil suit by the victim of the sexual offence for injuries sustained by the victim in the course of the offence being perpetrated against him or her”.

The law does not provide for the alternative measures that can be used so as to ensure that a victim of sexual offences who had suffered severer injuries either physically or mentally can be recovered in the instance where the accused cannot afford payment of the loss incurred by the victim. The existing provision of the laws also does not provide an immediate response, which is equivalent to the vulnerability of the part to be compensated. Unfortunately, the prosecution utilizes the same vulnerable part during the investigation to accelerate the case trial while being left behind even without any compensation rather than the conviction of the offender. Therefore, the existence of such a lacuna has influenced the researcher to conduct this study.

v) The law of the Child Act

The Law of the Child Act^{xxii}, is a statutory law that establishes and regulates the reform and consolidation of other laws pertaining to the rights and interests of children. The same vein safeguards the rights of children by preventing sexual exploitation. It explicitly prohibits children from engaging in any activity or trade that could potentially expose them to sexual offences. In addition, the law states that it is illegal for anyone to use force, coercion, or

encouragement to involve a minor in any sexual behavior. This is another example of situations when a youngster should not be exposed to such activities^{xxiii}; engaging a minor in prostitution or any other illegal activities is prohibited by law, and it shall be unlawful to engage children in phonographic performances or materials.^{xxiv} The law of the child tries to protect minors from any activities related to sexual conduct.

Nevertheless, although the law explicitly forbids specific sexual acts against minors and imposes legal consequences, such as holding the offender accountable and requiring them to pay a fine of at least five hundred million shillings or face imprisonment for a period ranging from one to twenty years, or both^{xxv}. From the words of that provision, still, the interest of the victims is not considered. The fine goes to the State, while the minor who has been subjected to sexual conduct is left with nothing. Therefore, the law under such area needs to be amended so as to include the right of compensation to victims of sexual activity or sexual offences.

vi) The Cybercrimes Act,

The Cybercrimes Act^{xxvi}, was enacted subject to the increase in technological developments in our current world has brought some positive and negative consequences in our daily lives. Cyber space is now used for several multiples among people from one jurisdiction to another depending on the interchange of each state, sometimes even the use of cyberspace has no limits as a result of jurisdictional interferences varying from one country or continent into the another one depending on their values and cultural aspects as well. Being is the case, several countries, including the United Republic of Tanzania, have enacted specific legislation that regulates cyberspace activities, hence the enactment of the *Cybercrimes Act*.^{xxvii} The said law was enacted purposely for the sake of enhancing and criminalization offences or conduct related to computer systems and information communication technologies^{xxviii}. Also, it was made for the sake of providing investigation, collection, and to legalize the use of electronic evidence as well as for other matters related thereon^{xxix}. Usually, a person can commit a sexual offence and record the same via mobile and post it online to the existing social media without the consent of the other side who has been raped or otherwise. In that situation, the victim is about to suffer irreparable loss in terms of their reputation.

To deter such conduct the law makes it an offence for any person who publishes child pornography through a computer system or facilitates accessibility of child pornography via a computer system^{xxx}. The prescribed penalty for this offence is a fine of no less than fifty

million, or three times the value of the illicit benefit obtained, or the culprit may face a minimum jail sentence of seven years or both^{xxxii}.

However, as far as the aspect of compensation is concerned, the Cybercrimes Act^{xxxiii}, does not provide for a specific amount of compensation to be awarded to victims^{xxxiii}. The same also is not effective as it depends on the discretion of the court^{xxxiv}; compensatory orders under such aspect depend on the wills of the presiding magistrate or Judge.

LEGAL CHALLENGES AFFECTING THE PROCESS OF PAYMENT OF CRIMINAL COMPENSATION TO VICTIMS OF SEXUAL OFFENCES IN TANZANIA

a) Criminal Compensation Orders.

Criminal compensation order (CCO) entails, a demand requiring courts to order an offender to pay compensation for injuries sustained by the victims or any damage which is a direct result of the offence. A criminal compensation order obliges the perpetrator of an offence to be involved in payment compensation that can be in form of monetary value to the victims of the incidents for any damage or injury or loss provided that the said injury is a direct impact of the committed offence. In situation where the victims have passed away then the court will order compensation to be paid to the dependents of the victims. In the case of Republic V Tilusubya Mwishaki & amp, Others,^{xxxv} the court was of the view that, compensation order should be made in consideration of two important ingredients, first that the victim have suffered material loss or persona injury, in consequence of the offence committed, second that the substantial compensation is the opinion of the court recoverable by the victim of the offence in a civil suit Compensation orders under the Criminal Procedure Act^{xxxvi}, are not made mandatory as it depends on the wills and discretionary power of the presiding Judge or Magistrate. The law does not make it mandatory for courts to award compensation to victims of sexual offences. This in one way or another, brings inconvenience in situations where cases of a similar nature have been decided by the same or different Judge or Magistrates while awarding different amounts or in situations where in one case there is an order for compensation while in another case of a similar nature the court did not order for compensation to the victim. For instance, in the case of Ayoub @ Nyungi v The Republic,^{xxxvii} in that case, the court of first instance the

appellant was convicted and sentenced to suffer thirty years imprisonment without being held liable to pay compensation to the victim of attempted rape, on appeal the appellant was released and the conviction was set aside. Therefore, the absence of a legal threshold demanding courts to grant compensation to the victims of sexual offences poses a challenge to the victim in a situation where the judge or Magistrate decides not to offer compensation to him. This provision needs to be reformed as it may result in biased decisions.

b) The involvement of Victims of sexual offences in a Criminal trial and the final outcome.

It is considered that for many victims of sexual offences, trial is the focal point of their journey through the criminal justice system. Despite the fact that, a lot of reforms have been made but still, the trial process continues to be a source of dissatisfaction and distress to the victims. The needs and rights of victims are not consistent as far as the adversarial party driven is, victims of sexual offending normally feel marginalized, irrelevant and, disregarded or disempowered. The mere fact that victims of crime are just witnesses to the process of accountability for one's own violations. In Tanzania, the criminal proceedings are regulated by the rules of Criminal Procedure Act^{xxxviii}. Criminal trials begin with an arrest of the suspect which follows after someone (the victim) has filed a complaint or has reported the incidents to the police post or after the victim has presented his complaints before the Magistrate the person suspected to commit the crime. Therefore, at this stage the victim is the pioneer, the law also provides to the effects that any person who has reasons to believe that an offence has been committed may take complaint, this position is regulated under section 128^{xxxix}. Therefore at this juncture after the complaint has been instituted the court will order for arrest of the suspected person.

The victim of crime is just involved as a witness of criminal trial while assisting the court to reach into sentencing stage. However, the final stage may sometimes end in a disappointing situation for instance in situations where the accused is released after the prosecutions have failed to prove the allegations beyond reasonable doubt. At this occasion the victims have nothing to do despite the facts he/she was raped. The same happens in situation where at first instance the accused has been convicted and the court ordered for compensation to the victims, if the offender file an appeal and win to that case the victims will have no any remedy as the appealing court will set aside the conviction and compensatory orders as well. As it was in the case of Majaliwa Ithemo v The Republic^{xl} in that case the appellant was arraigned before the district court of Kibondo in criminal case No.67 of 2018 and was convicted on three counts,

rape contrary to section 130(1)(2)(b) and 131(1) of the Penal Code^{xli}, unnatural offence contrary to section 154(1)(a) and grave sexual abuse contrary to section 138C (1) (2a) of the same law. According to prosecution the appellant raped and committed the other offences to his 29 years old lover. Upon conviction the appellant was sentenced to thirty 30 years imprisonment in respect of each of the first two counts and twenty years for grave sexual abuse. He was ordered to pay TZS, 1,500,000.00 to the victims as compensation. The appellant was aggrieved and appealed to the High Court where he succeeded to have the convictions in respect of rape and grave sexual abused quashed and respective sentence set aside. Nonetheless, the conviction and sentence of thirty years imprisonment imposed upon him for unnatural offence was confirmed, upon appeal for that aspect the court of the Appeal, quashed away the conviction and set aside the sentence of thirty years and the order of compensation imposed upon the appellant. The same position was also illustrated in the case of [Godi Kasengela v Republic](#)^{xlii}; in that case the appellant was also charged with sexual offences allegation including rape under section 131^{xliii}, he was convicted and ordered to pay compensation of TZS 200,000, on appeal the appellate court set aside the conviction and sentence and the offender was resealed.

c) The right of victims to appeal against conviction, sentence and compensation orders.

The existing criminal justice system does not give the victims of sexual offences an automatic right to institute an appeal against conviction, sentence and compensation order in situations where the court it does not exercise its discretionary powers. Victims have no direct power to file an application for appeal in criminal cases basing on the grounds that he/she is not a part to the criminal case or criminal proceedings. Therefore, if the victim is dissatisfied by the conviction and sentence or otherwise, the only remedy available is to file a complaint to the Director of Public Prosecution^{xliv} who represents the republic. Upon a complaint made to the DPP he may choose to advise the victim on the merit of the appeal. This sometimes may affect the rights of the victims especially when the DPP is not willing to institute the said appeal.

d) Unparallel legal expectations between injuries sustained and the amount of compensation to be awarded.

Victims of sexual offences often suffer a lot from criminal incidents in terms of their physical and mental set up. Victim of sexual crimes may suffer from traumatic mental disorder which may affects the normal condition of a human thinking capacity associated with stress and depressions. A part from that victims can get infection from the offender, such as transmissions of STDs including HIV and gonorrhoea. Sometimes if the victim is a student she may be

discontinued from school if she has got a pregnancy. Victims of sexual offences needs to attends medical treatments and physiological counselling, which demands some costs. However, despite all the injuries and costs suffered by the victims' courts are still reluctant in awarding effective compensation which is equivalent to injuries and damages sustained by the victim. Practical experience reveals that considering the harm suffered by victims of sexual offences, always the amount of compensation ordered or awarded by the courts are very low. For instance, in the case of Saidi Haruna v Republic^{xlv} in that case the court convicted and sentenced the offender to suffer a life imprisonment of 30 years in prison for the offence of rape. The court ordered the offender to pay TZS 30,000 as compensation to the victim. In fact, such amount cannot be regarded as compensation to the victim but rather it can be regarded as a mere symbolic expression of guilty.

e) **Difficulties in execution of fine and compensation orders**

A part from the afore discussed challenges herein before, there is another problem as far as the aspect of implementation and execution of Compensation orders. The problem arises in situations where the offender has been ordered to pay fine and compensation^{xlvi} to the victim but the offenders fail. The procedure for executing compensation orders is regulated under section 327 to 336 and 348(3)^{xlvii}, the cited provisions provide to the effects that in situations where the offender fails or refuses to pay a fine imposed on them by the court or compensate the victim, the prosecutor is entitled to apply to the court for distress warrant so as to recover the amount of compensation from the property of the offender. However, in situations where the offender has no means the court is obliged to convert the fine or compensation ordered to the fine or imprisonment term. The law does not provide appropriate ways of converting the fine or number of compensations into imprisonment or fine upon default by the offender. However, under section 336,^{xlviii} the court upon default of payment by the offender, may convert the fine or compensation to a period of maximum six-month imprisonment. Under such instances it should be noted that convicting and subjecting the offenders into prisons it doesn't matter for how long while leaving the victims suffering from injuries sustained from the crime it amounts to denial of justice. The victim benefit nothing from imprisonments of the offender without restitution or reparation.

CONCLUSION

It is generally considered that, the absence of special statutory scheme or funds for compensating victims of sexual offences and victim of crimes at large, result to deprivation of the right and interest of the victims under the criminal justice system. The existing tendency of paying much attention to the offender needs to be marginalized. The mindset of judicial officers (Magistrates and Judges) on the rights of the victims of sexual offences needs to be refocused in the senses that upon discharging their duties especially when determining criminal cases relating to sexual offences such as rape, unnatural offences, incest or defilement and other related thereto, the interest and rights of the victims particularly rights to criminal compensation which would cover both mental and physical injuries should be given priority before determination of the trial on whether the accused is found guilty or not. The rights of the victims need to be determined and granted before even the offender has been charged, this means that so long as the victims of sexual offences has sustained loss or injury, from that point his/her infringed right needs to be recovered.

Hence the aspects of criminal compensation to victims of sexual offences in Tanzania as a matter of law and practice need to be reconsidered, the law enforcers law have disguised the most affected victims for so long. Bad enough, they have nothing to do as most of them they cannot have an access to initiate civil proceedings against the offender, in case they could do still they could reap nothing from it due to prolonged proceedings accompanied by undue delays.

Therefore, before going to the aspects of laws, there is a need to change the mindset of the entire legal community (magistrates, Judges, prosecutors and other concerned legal officers), that the most concerned and vulnerable parties in criminal cases are the victim or his dependents who had sustained loss or injuries at the time when the crimes were committed. Convicting and punishing the offenders of crimes brings nothing to the victims. The rights and interest of the victims needs to be considered. The duty to ensure protection of citizens from intervention from others against themselves and their property is vested in the government, when such duty is not enhanced, then liability and responsibility goes to the government. Hence, convicting the accused is not the only responsibility to be discharged. Still the victims who have sustained mental or physical injury from certain crimes need to be considered after their right has been infringed or violated.

ENDNOTES

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- ⁱ Principle 12 of the United Nation Declaration of 1985.
- ⁱⁱ Cap 20 RE 2022.
- ⁱⁱⁱ Cap 16 RE 2022.
- ^{iv} Article 107A (2), (C) of the Constitution of the United Republic of Tanzania 1977 as amended.
- ^v As provided from Section 52-55 of the Criminal Procedure Act, Cap 20 RE 2022.
- ^{vi} Section 348A of the Criminal Procedure Act Cap 20 R.E 2022.
- ^{vii} Court of Appeal of Tanzania, Criminal Appeal No.56 of 2005(unreported).
- ^{viii} Article 107 A(2)(c) of the Constitution of the United Republic of Tanzania of 1977 as Amended.
- ^{ix} [1924] 1 KB 256,259.
- ^x Ibid.
- ^{xi} Cape 16 R.E. 2022.
- ^{xii} Cape 20 R.E. 2022.
- ^{xiii} Ibid.
- ^{xiv} Section 25 of the Sexual offences Special Provision Act of 1998.
- ^{xv} Cap 16 RE 2022.
- ^{xvi} Ibid.
- ^{xvii} Ibid.
- ^{xviii} Section 25 of the Penal Code Cap 16. R.E.2022.
- ^{xix} Section 34 of Cap 16 RE 2022.
- ^{xx} Cap 20 RE 2022.
- ^{xxi} Ibid
- ^{xxii} Cap 13 RE 2019
- ^{xxiii} Section 83(2), (a) of Cap 13. R.E. 2019.
- ^{xxiv} Section 83(2), (b) and (c) of Cap 13 R.E. 2019.
- ^{xxv} Section 83(3) of the Law of the Child Act Cap 13. RE 2019.
- ^{xxvi} Act No 14 of 2015.
- ^{xxvii} Act No. 14 of 2015.
- ^{xxviii} Long title to Act No.14 of 2015.
- ^{xxix} Ibid.
- ^{xxx} Section 13(1) of Act No. 14 of 2015.
- ^{xxxi} Section 13(2) of The Cybercrimes Act No 14. Of 2015.
- ^{xxxii} Act No.14 of 2015.
- ^{xxxiii} Section 13(3) of Act No. 14 of 2015.
- ^{xxxiv} Ibid.
- ^{xxxv} [1984] TZHC 30.
- ^{xxxvi} Section 348A of Cap 20 RE 2022.
- ^{xxxvii} Criminal Appeal No. 237 of 2016.
- ^{xxxviii} Cap 20 RE 2022.
- ^{xxxix} Section 128 of the Criminal Procedure Code Cap 20 RE 2022.
- ^{xl} High Court of Tanzania at Kigoma, Criminal Appeal No. 197 of 2020 (unreported)
- ^{xli} Cap 16 RE 2022.
- ^{xlii} High Court of Tanzania at Iringa, Criminal Appeal No.10 of 2008 (unreported)
- ^{xliii} Cap 16 RE 2022.
- ^{xliv} Article 59B of the Constitution of the United Republic of Tanzania 1977 as amended.
- ^{xlv} Court of Appeal of Tanzania, Criminal Appeal No.227 of 2007 (unreported)
- ^{xlvi} Section 25(d)(f) of the Tanzania Penal Code Cap 16 RE 2022.
- ^{xlvii} Of Cap 20 RE 2022.
- ^{xlviii} Section 336 of Cap 20 RE of 2022.