THE UNITED REPUBLIC OF TANZANIA
ADVOCATE'S COMMITTEE

Telegrams "LEGAL" Dar es Salaam
Telephone: +255-22-2133315
Fax Number: +255-22-2113626
In reply please quote:

P.O. Box 71069,
Dar es Salaam,
Tanzania

Ref. No. JC/A.30/10/2023

14/07/2023

BONIFACE ANYISILE KAJUNJUMELE MWABUKUSI, Esq
(ROLL NUMBER 1571)
C/O BAMWABUKUSI & CHAMBERS ADVOCATES
P.O.BOX 279
MBEYA
+255 765 742 595

Re: **ALLEGATION OF PROFESSIONAL MISCONDUCT AGAINST YOU BY HONOURABLE ATTORNEY GENERAL**

The heading above refers.

The Advocates Committee is in receipt of a complaint against you from the above named complainants.

You are required by the rules to respond to the allegations raised in the affidavit filed, a copy of which is attached. Your counter affidavit in five copies should reach the undersigned within twenty one days from the date of service.

If you fail to comply within the prescribed period, the committee may proceed against you without any further notice.

Dated this ....14TH.... Day of **July**, 2023

.....

Faraji R. Ngukah
SECRETARY, ADVOCATES COMMITTEE

I certify that I have received this Summons to file counter Affidavit.

BONIFACE A. K. MWABUKUSI
ADVOCATE
MBEYA
RECEIVED
TIME 12:42 Pm
DATE 31/7/2023
SIGN

Name.....

Signature.....

Date.....

14 JUL 2023

FORM 1

(Made under rule 4 (2))

IN THE ADVOCATES COMMITTEE

AT DAR ES SALAAM

APPLICATION NO. 10 OF 2023

IN THE MATTER OF ADVOCATE BONIFACE ANYISILE KAJUNJUMELE MWABUKUSI (ROLL NO. 1571)

AND

IN THE MATTER OF THE ADVOCATES ACT [CAP. 341 R.E 2002]

HONOURABLE ATTORNEY GENERAL.....APPLICANT

AND

BONIFACE ANYISILE KAJUNJUMELE MWABUKUSI .....RESPONDENT

APPLICATION FORM

1. **Name and Address of the Applicant:**

Hon. Attorney General of the United Republic of Tanzania.
In the care of:
Hon. Solicitor-General,
Office of the Solicitor-General,
P.O. Box 71554,
10 Kivukoni Street,
11405 **DAR ES SALAAM.**

Tell: +255 22 211 8178
Email: info@osg.go.tz
www.osg.go.tz

2. **Name and Address of the Respondent:**

Boniface A.K. Mwabukusi
BAK Mwabukusi & Chambers Advocates,
Plot No.69 Block "M" House No.9,
P.O Box 279,
OLD FOREST AREA-MBEYA
Cell: +255 765 742 595
Email: abmwabukusi2005@yahoo.com

3. **Cause of Action/ Brief Statement of Facts constituting the complaint:**

A. For the Respondent:

That, on 3rd July, 2023, immediately after the adjournment of **MISC. CIVIL CAUSE NO.05 OF 2023 IN THE MATTER OF THE CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA, 1977 [CAP. 2 R.E 2002] AS AMENDED FROM TIME TO TIME AND IN THE MATTER OF A PETITION TO CHALLENGE PROVISION OF THE CONTRACT AND PROCESS OF RATIFICATION OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE UNITED REPUBLIC OF TANZANIA AND THE EMIRATES OF DUBAI (IGA) BY THE NATIONAL ASSEMBLY OF THE UNITED REPUBLIC OF TANZANIA FOR BEING ILLEGAL AND UNCONSTITUTIONAL**

BETWEEN

ALPHONCE LUSAKO ..... 1ST PETITIONER

EMMANUEL KALIKENYA CHENGULA.....2ND PETITIONER

RAPHAEL JAPHET NGONDE.....3RD PETITIONER

FRANK JOHN NYALUS.....4TH PETITIONER

VERSUS

THE ATTORNEY GENERAL.....1ST RESPONDENT

MINISTER FOR WORKS AND TRANSPORT.....2ND RESPONDENT

PERMANENT SECRETARY MINISTER FOR WORKS AND TRANSPORT.....3RD RESPONDENT

THE CLERK OF THE NATIONAL ASSEMBLY.....4TH RESPONDENT

3.1 Respondent did call a press conference and unprofessionally uttered the following words to the public:

i. "Spika wa Bunge la Jamhuri ya Muungano wa Tanzania, Waziri Mkuu wa Jamhuri ya Muungano wa Tanzania, hawajui walichopitisha Bungeni kwamba hata Chifu Mangungo anasingiziwa maana yeye alijua kuwa ni Mkataba.....Serikali imekuwa ikiwadanganya wananchi kuwa, imesaini makubaliano na siyo Mkataba."

ii. " Mgogoro ukizuka, kimbieni kufungua kesi nje ya nchi kwa sababu ukifungua nje ya nchi position ya Uingereza, haitambui sheria za Tanzania. Kwa hiyo hata kama mtu amekiuka Sheria ya Natural Resources, akienda kule akisimama Uingereza, Natural Resources kule ni takataka, haiwi enforceable, kwa hiyo wanachofanya ni kujaribu kupotosha wananchi"

iii. "Fuatilieni hansards za Bunge, ndipo mtagundua kwamba, hakuna Spika, mtagundua kwamba hamna Waziri, na mtagundua kwamba kwa sababu kama spika mwenyewe alikuwa hajui anapitisha kitu gani, Waziri alikuwa hajui anasaini kitu gani, ujue kwamba Chifu Mangungo was a genius"

iv. "Mbarawa na Katibu Mkuu wake waondoke katika ile nafasi, wanahatarisha mali za Tanganyika, narudia kupigia mstari, wanahatarisha mali za Tanganyika siyo mali za Zanzibar, yaani kwenye Muungano kuna mali za Zanzibar na mali za Tanganyika. Mali za Zanzibar wamebaki nazo kule, za Tanganyika zikawekwa chini ya Serikali ya Jamhuri ya Muungano. Kwahiyo walichokifanya ni kuchukua mali za Tanganyika na kuikabidhi inifinite kwa mtu, ndiyo maana hukuti mtu yeyote anayetujibu ana kuonesha anakujibu kwa kifungu gani"

v. "Bunge kwa Makusudi liliamua kusimamisha akili zake, utashi wake na uadilifu wake kwa mahaba ya mtu na wakasema mkataba huu ni wa mtu na kupitia mkataba huu, yeyote atakayeupinga, ni adui wa mtu huyo"

3.2 That, following the above words, the Respondent being an Advocate of the High Court and Subordinate Court save for primary courts, with Advocate

Roll **No. 1571** who was also representing the Petitioner in the said case committed not only criminal acts of uttering seditious statements but also unprofessional and unethical misconduct due to the following reasons:

i. That, the said statement by the Respondent is not only a criminal act but also unprofessional and unethical conduct. The said comment has been made by the Respondent with a seditious intention contrary to the provision of Section 53(1) (b) of the of the Media Services Act, No. 12 of 2016 and Section 55 of the Penal Code, [Cap. 16, R.E 2002]. It is further stated that the comment was made to bring into hatred and contempt against the administration of justice in Tanzania capable of inciting the public or a large portion of it to cause breach of the peace against the state authorities.

ii. That, through this statement to the media, the Respondent embarked on conducting himself in a highly unprofessional and unethical manner contrary to ethical principles of Advocates as stipulated under the Advocates' Act (Cap. 341 R.E. 2002) and the Advocates (Professional Conduct and Etiquette) Regulations, 2018.

iii. That, to say the least, the Respondent's comment aims at undermining public confidence in the judicial system (*i.e.* "scandalizing the court" by media trial). Thus, the words by the Respondent were in violation of Advocates (Professional Conduct and Etiquette) Regulations, GN. No. 118 of 2018.

4. Regulations violated by the Respondent

(i) That Regulation 4 of the Advocates (Professional Conduct and Etiquette) Regulations, 2018 provides that every advocate shall be a person of high integrity. Furthermore, regulation 5(1)(c) and (e) of the Regulations stipulates that every advocate shall discharge his duties with integrity towards (a) the court and the administration of justice; (b) the client; (c) the public (d) another advocate; and (e) the profession.

(ii) That in this case, the Respondent herein, being an Advocate who handled the case at issue, has misbehaved in an unbecoming manner and breached his professional integrity contrary to regulation 6(1)(a)(o) of the Advocates (Professional Conduct and Etiquette) Regulations, 2018. This is demonstrated through his word as stated under paragraph 3.1(i),(ii) and 3.1(iv) hereinabove, in that way he has committed a disgraceful or morally reprehensible act that affects the advocate's integrity by misleading the Public.

(iii) That the Respondent herein, being as Advocate who is handling the case at issue and as an officer of the court, has committed serious professional misconduct contrary to regulation 92(1) of the Advocates (Professional Conduct and Etiquette) Regulations, 2018 for failure to treat the court with candour, courtesy and respect.

(iv) That the Respondent, as an officer of the court has committed serious professional misconduct contrary to regulation 129(1) of the Advocates (Professional Conduct and Etiquette) Regulations, 2018 for failure to perform his duty to encourage the public to respect the law and justice as well as to uphold and improve the administration of justice.

(v) That the Respondent. being an advocate in the conduct of the matter, by reason of the professional involvement in the case, he was completely unable to assist the media in conveying accurate information to the public, by infringing the advocate's obligation to his client, the profession, the court and the administration of justice; and that as an advocate, the statements made were not bona fide but rather accompanied with malice and ulterior motive, untruthfulness and with intention to mislead the public by using abusive and or inappropriate language in public setting contrary to regulation 6(1)(m) of the Regulations. This is demonstrated by his word as stated under paragraph 3.2 (iii)(iv) here in above.

(vi) That the Respondent has violated regulation 137,139(1) (2) of the Advocates (Professional Conduct and Etiquette) Regulations, 2018 which imposes obligations to an advocate to carry out duties as stipulated in the Regulations and any other laws and regulations governing the conduct of advocates and shall, at all times, observe a standard of conduct that reflects credit on the profession and the administration of justice generally, and inspires the confidence, respect and trust of clients, other person with whom the advocate works and the community.

5. That following what have been stated above, the Respondent has violated the following regulations of the Advocates (Professional Conduct and Etiquette) Regulations, GN. No. 118 of 2018;

    i. Regulation 4 which provides that "For the purposes of meeting the fundamental quality of an advocate, every advocate shall be a person of high integrity."

ii. Regulation 5 (1) (a), (c) and (e) which provide that every advocate shall discharge his duties with integrity towards- (a) the court and the administration of justice; (c) the public; (e) the profession."

iii. Regulation 91 (1) which provides that "As an officer of the court, an advocate shall treat the court with candour, courtesy and respect."

iv. Regulation 129 (1) which provides that "An advocate has a duty to encourage public respect for law and justice as well as to uphold and improve the administration of justice."

v. Regulation 131 (1) which provides that "An advocate who makes public appearance or statement has a duty to maintain the same degree of compliance with the regulations of ethical behaviour and professional conduct as would otherwise be observed if the advocate had been in his office or courtroom."

vi. Regulation 132 (2) (b) and (c) which provide that "When making public appearance or public statement an advocate has a duty: (b) to treat other advocates and the court with courtesy and respect; and (c) uphold and encourage public respect for the law and administration of justice."

vii. Regulation 136 which provides that "An advocate may, upon request comment on a specific case after the final determination of the matter and the case report has become a matter of public record: Provided that, in commenting in any case the advocate shall not malign the court or any officer of the court."

viii. Regulation 139 (2) which provides that "An advocate shall, at all times, observe a standard of conduct that reflects credit on the profession and the administration of justice generally, and inspires the confidence, respect and trust of clients, other person with whom the advocate works and the community."

6. **List of relevant documents to be annexed**

The Applicant shall have the following documents to support his complaint: -

i. Flash Disk with Electronic Evidence containing the impugned statements and words of the Respondent subject of this Application.

ii. Certificate of authenticity of the Electronic Evidence containing the impugned comments and words of the Respondent hereinabove.

iii. Any other documents whose need shall arise in due course.

7. Reliefs claimed.

The Applicant prays to this Honorable Committee for the following reliefs:-

(i) A declaration that the Respondent has severally committed gross professional misconduct;

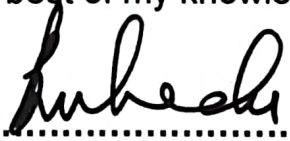
(ii) An order of removal of the Respondents' name from the Roll of Advocates.

(iii) The costs to be borne by the Respondent;

(iv) Any other relief(s) the Honorable Committee may deem fit and just to grant in favour of the Applicant.

VERIFICATION

I, **Dr.Boniphace Luhende**, being the Solicitor General , hereby certify that what has been stated in paragraphs 1, 2, 3,3.1(i)-(v),3.2(i)-(iii),3.3,3.4,3.5, 4(i)-(vi), 5(i)- (viii) 6(i)-(iii)and 7(i)-(iv) herein above are true to the best of my knowledge.



.....

COUNSEL FOR THE APPLICANT

DATED and **SIGNED** at Dar es Salaam this 14.. day of ....07....., 2023

.....

COUNSEL FOR THE APPLICANT

Fees paid TShs.....—.....ERV. No.....—..... Date.....—.....

Presented for filing this.....14th..... day of.....July..... 2023.

.....

SECRETARY

DRAWN AND FILED BY:

Dr. Boniphace Luhende
Solicitor General
Office of the Solicitor General,
10 Kivukoni Road,
P. O Box 71554,
11405 DAR ES SALAAM.
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Email: info@osg.go.tz
www.osg.go.tz

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BAK Mwabukusi & Chambers Advocates,
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P.O Box 279,
OLD FOREST AREA-MBEYA
Cell: +255 765 742 595
Email: abmwabukusi2005@yahoo.co

TIME 12:42 PM
DATE 31/7/2023
SIGN

FORM 1

(*Made under rule 4 (2)*)

IN THE ADVOCATES COMMITTEE

AT DAR ES SALAAM

APPLICATION NO.10.OF 2023

IN THE MATTER OF ADVOCATE BONIFACE ANYISILE KAJUNJUMELE MWABUKUSI (ROLL NO. 1571)

AND

IN THE MATTER OF THE ADVOCATES ACT [CAP. 341 R.E 2002]

HONOURABLE ATTORNEY GENERAL.....APPLICANT

AND

BONIFACE ANYISILE
KAJUNJUMELE MWABUKUSI .....RESPONDENT

AFFIDAVIT IN SUPPORT OF APPLICATION

I, **Honorina Stanslausy Munishi,** adult, Christian and resident of Dar es Salaam hereby make **OATH** and **STATE**, as follows: -

1. That, I am the Senior State Attorney working at the Office of the Attorney General and by virtue of this position I am authorized to swear this Affidavit and I state further that, in all civil cases for and against the Government, the Government is represented by Office of the Solicitor-General.

2. That, I make this Affidavit in support of an Application requiring the Respondent to answer the allegations contained in Form No. 1.

3. That on 3rd July, 2023, immediately after the adjournment of **MISC. CIVIL CAUSE NO.05 OF 2023 IN THE MATTER OF THE CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA, 1977 [CAP. 2 R.E 2002] AS AMENDED FROM TIME TO TIME AND IN THE MATTER OF A PETITION TO CHALLENGE PROVISION OF THE CONTRACT AND PROCESS OF RATIFICATION OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE UNITED REPUBLIC OF TANZANIA AND THE EMIRATES OF DUBAI (IGA) BY THE NATIONAL ASSEMBLY OF THE UNITED REPUBLIC OF TANZANIA FOR BEING ILLEGAL AND UNCOSNTITUTIONAL**

BETWEEN

ALPHONCE LUSAKO ..... 1ST PETITIONER

EMMANUEL KALIKENYA CHENGULA.....2ND PETITIONER

RAPHAEL JAPHET NGONDE.....3RD PETITIONER

FRANK JOHN NYALUS.....4TH PETITIONER

VERSUS

THE ATTORNEY GENERAL.....1ST RESPONDENT

MINISTER FOR WORKS AND TRANSPORT.....2ND RESPONDENT

PERMANENT SECRETARY MINISTER FOR WORKS AND TRANSPORT.....3RD RESPONDENT

THE CLERK OF THE NATIONAL ASSEMBLY.....4TH RESPONDENT

4. That the Respondent did call a press conference and unprofessionally uttered the following words to the public:

   i. "Spika wa Bunge la Jamhuri ya Muungano wa Tanzania,Waziri Mkuu wa Jamhuri ya Muungano wa Tanzania, hawajui walichopitisha Bungeni kwamba hata Chifu Mangungo anasingiziwa maana yeye alijua kuwa ni Mkataba.....Serikali imekuwa ikiwadanganya wananchi kuwa, imesaini makubaliano na siyo Mkataba".

   ii. "Mgogoro ukizuka, kimbieni kufungua kesi nje ya nchi kwa sababu ukifungua nje ya nchi position ya Uingereza, haitambui sheria za Tanzania. Kwa hiyo hata kama mtu amekiuka Sheria ya Natural Resources, akienda kule akisimama Uingereza, Natural Resources kule ni takataka, haiwi enforceable, kwa hiyo wananachofanya ni kujaribu kupotosha wananchi"

   iii. "Fuatilieni hansards za Bunge, ndipo mtagundua kwamba, hakuna Spika, mtagundua kwamba hamna Waziri, na mtagundua kwamba kwa sababu kama spika mwenyewe alikuwa hajui anapitisha kitu gani, Waziri alikuwa hajui anasaini kitu gani, ujue kwamba Chifu Mangungo was a genius."

   iv. "Mbarawa na Katibu Mkuu wake waondoke katika ile nafasi, wanahatarisha mali za Tanganyika, narudia kupigia mstari, wanahatarisha mali za Tanganyika siyo mali za Zanzibar, yaani kwenye Muungano kuna mali za Zanzibar na mali za Tanganyika. Mali za Zanzibar wamebaki nazo kule, za Tanganyika zikawekwa chini ya Serikali ya Jamhuri ya Muungano. Kwahiyo walichokifanya ni kuchukua mali za Tanganyika na kuikabidhi inifinite kwa mtu, ndiyo maana hukuti mtu yeyote anayetujibu ana kuonesha anakujibu kwa kifungu gani"

   v. "Bunge kwa Makusudi liliamua kusimamisha akili zake, utashi wake na uadilifu wake kwa mahaba ya mtu na wakasema mkataba huu ni wa mtu na kupitia mkataba huu, yeyote atakayeupinga, ni adui wa mtu huyo".

The Flash disc containing those comments are herewith annexed and marked as Annexure "OA-1" for which leave is craved to form part of this affidavit.

5. That, following the above words, the Respondent being an Advocate of the High Court and Subordinate save for primary courts, with Advocate Roll **No. 1571** who

was also representing the Petitioner in the said case committed not only criminal acts but also unprofessional and unethical misconduct due to the following reasons:

a. That, the said statements by the Respondent are not only a criminal act but also unprofessional and unethical. The said statements were made by the Respondent with a seditious intention contrary to the provision of Section 53(1) (b) of the of the Media Services Act, No. 12 of 2016 and Section 55 of the Penal Code, [Cap. 16, R.E 2002]. It is further stated that the comment was made to bring into hatred and contempt against the administration of justice in Tanzania capable of inciting the public or a large portion of it to cause breach of the peace against the state authority.

b. That, through these statements by Respondent embarked on conducting himself in highly unprofessional and unethical manner contrary to ethical principles of Advocates as stipulated under the Advocates' Act (Cap. 341 R.E. 2002) and the Advocates (Professional Conduct and Etiquette) Regulations, 2018.

c. That, to say the least, the Respondent's statements aimed at undermining the public confidence in the judicial system (*i.e.* "scandalizing the court" by media trial). Thus, the words by the Respondent were in violation of Advocates (Professional Conduct and Etiquette) Regulations, GN. No. 118 of 2018.

6. Regulations violated by the Respondent

i. That Regulation 4 of the Advocates (Professional Conduct and Etiquette) Regulations, 2018 provides that every advocate shall be a person of high integrity. Furthermore, regulation 5(1)(c) and (e) stipulates every advocate shall discharge his duties with integrity

towards (a) the court and the administration of justice; (b) the client; (c) the public (d) another advocate; and (e) the profession.

ii. That in this case, the Respondent herein, being an Advocate who handled the case at issue, has misbehaved and breached his professional integrity contrary to regulation 6(1)(a)(o) of the Advocates (Professional Conduct and Etiquette) Regulations, 2018. This is demonstrated through his word as stated under paragraph 3.1(i), (ii) and 3.1(iv) hereinabove, in that way he has committed a disgraceful or morally reprehensible act that affects the advocate's integrity by misleading the Public.

iii. That the Respondent herein being as Advocate who is handling the case at issue and as an officer of the court has committed serious professional misconduct contrary to regulation 92(1) of the Advocates (Professional Conduct and Etiquette) Regulations, 2018 for failure to treat the court with candour, courtesy and respect.

iv. That the Respondent, as an officer of the court has committed serious professional misconduct contrary to regulation 129(1) of the Advocates (Professional Conduct and Etiquette) Regulations, 2018 for failure to perform his duty to encourage public to respect the law and justice as well as to uphold and improve the administration of justice.

v. That the Respondent being an advocate in the conduct of the matter , by reason of the professional involvement in the case, was completely unable to assist the media in conveying accurate information to the public, by infringing an advocate's obligation to his client, the profession, the court and the administration of justice; and that as an advocate, his comments made were not bona fide but

rather accompanied with malice and ulterior motive, untruth and misleading by using abusive and or inappropriate language in public setting contrary to regulation 6(1)(m). This is demonstrated by his word as stated under paragraph 3.2 (iii)(iv) here in above;

vi. That the Respondent has violated regulation 137 and 139(1) of the Advocates (Professional Conduct and Etiquette) Regulations, 2018 which imposes obligations to an advocate to carry out duties as stipulated in the Regulations and any other laws and regulations governing the conduct of advocates and shall, at all times, observe a standard of conduct that reflects credit on the profession and the administration of justice generally, and inspires the confidence, respect and trust of clients, other person with whom the advocate works and the community.

7. That the said words and comments by the two Respondent contained gross professional misconduct and as such that I was instructed to review them and take necessary legal measure.

8. That I depose this Affidavit in good faith and for the interest of justice.

9. That this Affidavit is made in support of the prayers stated in Form No1 filed before this committee.

VERIFICATION

I, **Honorina Stanslausy Munishi** being a Senior State Attorney authorized to handle this matter, hereby certify that what has been stated in paragraphs 1, 2, 3,4(i)-(v),5,(a)-(c), 6 (i) (ii) (iii) (iv) (v) (vi), 7,8 and 9 herein above are true to the best of my knowledge.

.....

HONORINA STANSLAUSY MUNISHI

DATED and **SIGNED** at Dar es Salaam this 14 day of 07, 2023

.....
DEPONENT

SWORN AT Dar es salaam in my presence
By the said **Honorina Stanslausy Munishi**
Who is ~~personally known~~/identified to me
By the said AYOUB G. SANGA
The latter being personally known to ~~me~~
This 14 day of 07 2023

.....
DEPONENT

BEFORE ME: .....

NAME; MICHAEL MWANGATI

QUALIFICATION; COMMISSIONER FOR OATHS

SIGNATURE; .....

ADDRESS; P.O. BOX 4602 DSM

Presented for filing this 14th day of July 2023

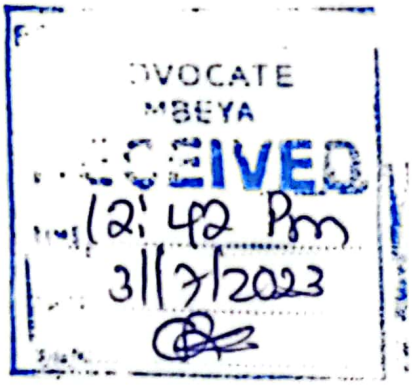
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COMMITTEE'S SECRETARY

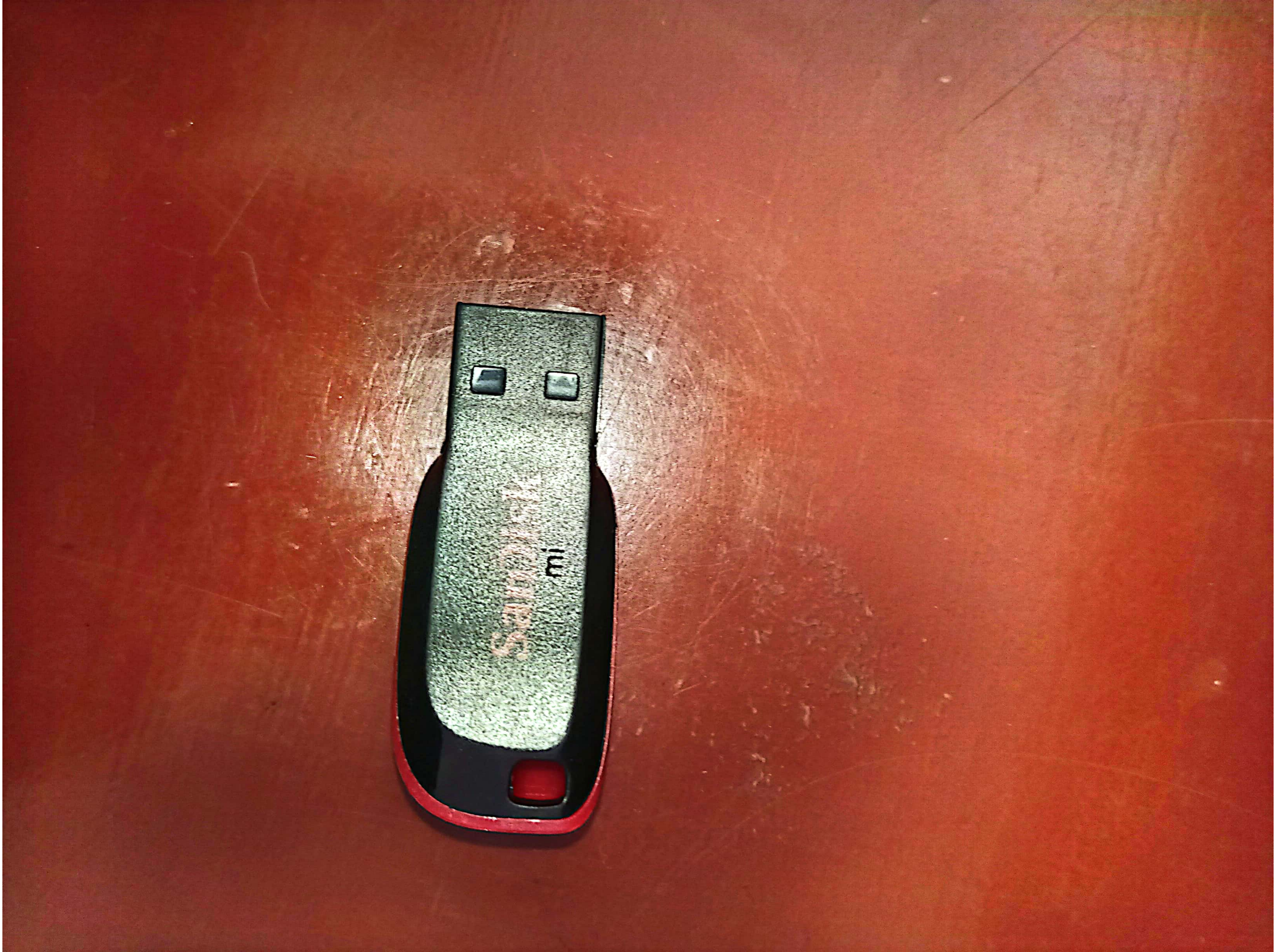
DRAWN AND FILED BY;

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FORM 1

(*Made under rule 4 (2)*)

IN THE ADVOCATES COMMITTEE

AT DAR ES SALAAM

APPLICATION NO..10.....OF 2023

IN THE MATTER OF ADVOCATE BONIFACE ANYISILE KAJUNJUMELE MWABUKUSI (ROLL NO. 1571)

AND

IN THE MATTER OF THE ADVOCATES ACT [CAP. 341 R.E 2002]

HONORABLE ATTORNEY GENERAL..... APPLICANT

AND

BONIFACE ANYISILE KAJUNJUMELE MWABUKUSI ..... RESPONDENT

CERTIFICATE OF AUTHENTICITY OF DOCUMENT

That I, **Azizi Makaburi**, an employee of Office of the Solicitor General in the capacity of ICT officer, **DO HEREBY CERTIFY** that I have been duly authorized by Office of the Solicitor General to certify and confirm that: -

1. The flash disc marked as Annexure ***"OA-1"*** in the Affidavit sworn by **HONORINA STANSLAUSY MUNISHI** is electronic evidence containing the word spoken by the Respondent and such evidence were downloaded from computer HP ProDesk 600 C1 SFF with Serial Number CZC5161558 in usual and ordinary course of business.

2. The abovementioned computer from a computer system maintained by Office of the Solicitor General which at all material time was operating normally and under total control of myself.

3. The evidence downloaded and computer used are in the custody and control of the Office of the Solicitor General ICT unit headed by myself and the same cannot be altered.

4. I have examined the contents contained in the flash and confirm that are correct and authentic to the best of my knowledge.

5. That all data downloaded and stored in the said flash disc are backed up by server to ensure that the data is never lost.

Dated at Dar es Salaam this 14TH day of JULY 2023

.....

AZIZ MAKABURI

VERIFICATION

I, **AZIZ MAKABURI**, **DO HEREBY VERIFY** that what is stated in paragraphs 1, 2, 3, 4 and 5 hereinabove is true to the best of my knowledge.

Verified at Dar es Salaam this 14TH day of JULY 2023.

.....

AZIZ MAKABURI

Certified at Dar es Salaam by the said
AZIZ MAKABURI
Who is personally known/identified to
Me by the said AYOUB G. SANGA
The latter being personally known to
Me this 14 day of 07 2023.

.....
AZIZ MAKABURI

BEFORE ME

NAME ..... MICHAEL MWANGATI

QUALIFICATION ..... COMMISSIONER FOR OATHS

SIGNATURE .....

ADDRESS ..... P.O. BOX 4602 DSM

Presented for filing this 14th day of July 2023

.....
COMMITTEE'S SECRETARY

DRAWN AND FILED BY:

Dr.Boniphace Luhende
Solicitor General
Office of the Solicitor-General,
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11405 DAR ES SALAAM.

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SanDisk