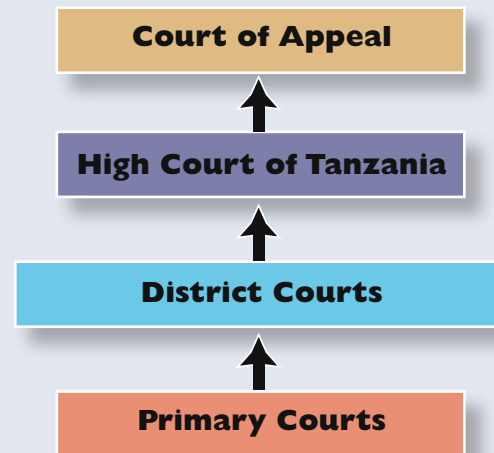


Appellate Powers

If you are aggrieved by a decision of a lower court there is always an alternative to appeal to the higher court.

The following chart shows how appeal move from the lower court to the higher court:



NB Always ensure that you inquire to know the time within which you must file your appeal to the next level.

Revisional and Supervisory Powers

Higher Courts have powers to call for and examine the records of the lower courts to see its correctness and make necessary orders to rectify any irregularities.

APPEARING IN COURT AS A WITNESS:

- Remember that if you are the complainant you are the principal witness for your Case.
- Do not be afraid to go to Court to tell what happened.
- When you appear as a witness you will be asked to take the stand – i.e. stand

at a place specifically reserved for witnesses.

- You will be asked to take an oath.
- You are to tell the truth, nothing but the truth.
- If you have a lawyer he will lead you, if it is a criminal matter prosecution – police or state attorney will lead you. If there is no lawyer or state attorney to lead you, just remember to tell exactly what happened – You do not have to fear any one and do not succumb to intimidation from anyone, not even the magistrate.
- You will be asked questions by the other side.
- Answer truthfully.
- Perjury is a criminal offence.

If you are wrongly accused, you have a right to be heard in defence of yourself. If it is a civil matter you also have a right to state your case. As a complainant or defendant you have the right to call witnesses in support of your case.

After you have given your evidence you may ask that what was written down be read over to you to ensure that you were correctly recorded.

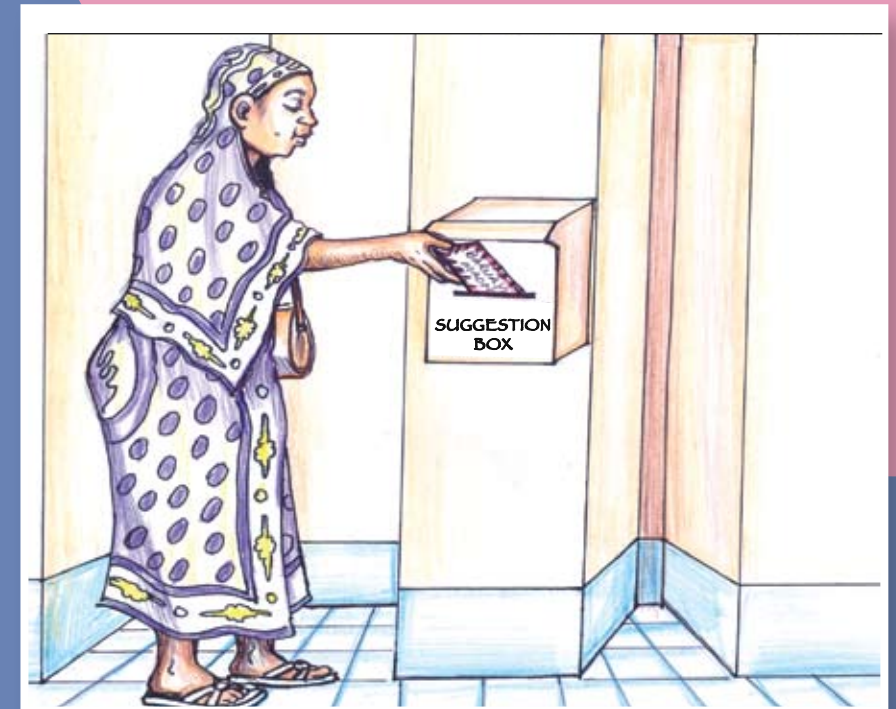
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Tanzania Women Judges Association (TAWJA)
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DO YOU KNOW HOW AND FROM WHICH COURT YOU CAN CLAIM YOUR RIGHTS?



IAWJ



Enlightenment Candle

TAWJA



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COURT STRUCTURE ON ORIGINAL JURISDICTION

The Primary Courts

Primary Courts receive both civil and criminal cases. For civil cases, Primary Courts have original jurisdiction:-

- (a) When the law applicable is customary or Islamic laws.
- (b) When the subject matter of the case does not have a monetary value of more than Tshs 5,000,000
- (c) When the dispute is for a contract involving recovery of debt for the sum not exceeding Tshs 3,000,000.
- (d) All matrimonial disputes emanating from Christian, civil, customary and Islamic marriages
- (e) All probate and administration of estate causes under the fifth schedule to the Magistrate's Court Act

For Criminal matters, the Primary Court has original jurisdiction in all offences relating to the provisions of the penal Code, mentioned in the first schedule of the Magistrates Courts Act. These include theft, robbery, wounding, assault, abduction, etc.

District Courts and the Courts of Resident Magistrates

District Court has Jurisdiction in:-

- a. All criminal offences except the one of which jurisdiction is vested in the High Court such as murder, treason, incest etc.
- b. All civil matters concerning immovable properties possessing monetary value of not more than Tshs 150,000,000 and for movable properties of not more than Tshs 100,000,000

Resident Magistrate Court covers a Region but a District Court covers a District.

The Court of Resident Magistrate has got the same criminal and pecuniary

jurisdiction in civil matters as that of the district court except for few matters specified in the second schedule to the Magistrate's Court Act.

High Court of Tanzania

This is the court in the highest rank with original jurisdiction which receives at its original jurisdiction;

- a. All criminal matters which are not covered by the lower court such as murder, manslaughter, incest and treason.
- b. All civil matters involving immovable properties with value of Tshs 150,000,000 and above and movable properties valued at Tshs 100,000,000 and above.

Specialized Courts

How to pursue a land dispute?

In village land parties may call Village Land Council to mediate them and if the mediation fails, parties shall be referred to the court with competent jurisdiction over the subject matter.

- The following is the structure and procedure for the courts competent to try land matters;
 - Village Land Council
 - Ward Tribunals
 - District Land and Housing tribunals
 - Land Division of the High Court of Tanzania
 - The Court of Appeal
- Every land dispute should be filed in a Court/Tribunal within which the land in question is situated.
- If your dispute involves land whose value does not exceed Tsh 3 millions you may file your case in the Ward Tribunal
- If your dispute involves land or immovable property whose value does not exceed Tsh 50 millions, you can send your claim to the District Land and Housing Tribunal.

- If your dispute involves land whose value exceeds Tsh 50M, the case should be filed in the High Court of Tanzania (Lands Division).

Commercial and labor disputes

At the High Court level a labor dispute must be filed in the Labor Division. However there is an option for commercial matter to be filed in the Commercial Division or in the High Court general Jurisdiction or in the lower court depending on the value of the subject matter.

For matters in specialized courts, appeals ascend in the same way from the lower courts to the Court of Appeal.

APPELLATE AND REVISIONAL JURISDICTION

Don't despair

