

**THE JUDICIARY OF TANZANIA
IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(MAIN REGISTRY)**

AT DODOMA

MISCELLANEOUS CIVIL APPLICATION NO. 9407 OF 2026

BETWEEN

**REGISTERED TRUSTEES OF THE ASSEMBLIES OF
GOD GOSPEL CHURCH INTERNATIONAL (AGGCI)... APPLICANT**

VERSUS

REGISTRAR OF SOCIETIES 1ST RESPONDENT

PERMANENT SECRETARY,

MINISTRY OF HOME AFFAIRS 2ND RESPONDENT

ROBERT NATHANAEL NGAI 3RD RESPONDENT

PAUL BUSUNGU 4TH RESPONDENT

JULIO RAPHAEL USUKWA 5TH RESPONDENT

THE HONOURABLE ATTORNEY GENERAL 6TH RESPONDENT

RULING

24th August & 03rd September, 2026

M.M. SIYANI, PRINCIPAL JUDGE

For ease of understanding, I find it prudent that I narrate the brief facts behind this ruling. Agreed by both parties and the record is that the Registered Trustees of the Assemblies of God Gospel Church International (the Applicant herein) had initially obtained leave to apply for judicial review and, in fact, filed the same. However, the filed judicial review

proceedings were ultimately struck out for containing matters for which leave was not sought.

Still interested in pursuing the matter, the Applicant opted to reinitiate the process, but found himself out of time to do so. The instant application for extension of time to file an application for leave was therefore preferred.

All the preliminaries being concluded, the parties appeared before me on 8th July 2026 for hearing of the matter. Both sides were represented. While the Applicant enjoyed the legal services of counsel Johnson Johannes Kachenje (Roll No. 8669), the 1st, 2nd, and 6th Respondents were represented by Mr. Omary Ngatanga, and the 3rd, 4th, and 5th Respondents were represented by Mr. Moses Cyril Masami, learned State Attorney, and learned Counsel, respectively.

Given a chance to address the Court in support of the filed application, other than arguing that his client acted promptly and that he was hindered by technical delays, Mr. Kachenje was of the opinion that since the Applicant had already filed an application for the judicial review which was struck out, the original leave granted for the filing such an application was

fully spent and could not be relied upon in the refiling of a fresh application for judicial review.

Mr. Kachenje fortified this argument by citing and quoting from two Court of Appeal decisions, ***Mwanza Restaurant Workers Co-operative Societies vs. Regional Commissioner of Mwanza***, Civil Appeal No. 27 of 1999, and ***Sanai Murumbe and another vs. Managing Director, Serengeti Safari Lodges Limited*** [1986] T.L.R. 45. In the former decision, Mr. Kachenje quoted the Court of Appeal as having stated that:

"The leave granted under the Law Reform (Fatal Accidents and Miscellaneous Provisions) Act is not a floating or permanent permit. It is consumed entirely by filing the application. Once the resulting application is struck out or dismissed, the leave is spent, and a party cannot resurrect it to file a subsequent application."

And in the latter decision, which he called a foundational Court of Appeal case regarding judicial review procedures, Mr. Kachenje quoted the Court of Appeal as having held:

"The leave stage acts as a strict jurisdiction screen. A party who has had their substantive suit struck out cannot bypass this stage on the presumption that the previous leave remains operational"

Mr. Ngatanga and Mr. Masami were heard in reply, and thereafter Mr. Kachenje gave a brief rejoinder. However, for the purposes of this Ruling, I shall not capture that part of the proceedings as it is not relevant.

In the course of composing the Ruling in respect of the Application, I had to review the two binding authorities that counsel Kachenje invited me to follow. Unfortunately, I was unable to find the cited decisions either online or in the 1986 Tanganyika Law Report (T.L.R.). In fact, I found that page 45 of the 1986 T.L.R. is the second page of the report of the case of ***Joseph John Makune vs Republic***, [1986] T.L.R. 44. Having failed to find those cited cases and mindful of the emphatic, convincing and binding quotations from such Court of Appeal decisions by the learned counsel, I was concerned that the cited cases and the given quotations might have been non-existent cases at best or worse ghost cases, which are a potential product of Artificial Intelligence (AI) hallucination. The possibility that the Court had been presented with ghost cases and quotations of the apex court of the land was not something this Court could turn a blind eye to lest the integrity of the judicial process and justice be compromised.

For purposes of testing the possibility, on 4th August, 2026, I issued two orders directing Mr. Kachenje to, by 11th August, 2026, either: supply the Court with copies of the Court of Appeal decisions in ***Mwanza Restaurant Workers Co-operative Societies vs. Regional Commissioner of Mwanza***, (supra), and ***Sanai Murumbe and another vs. Managing Director, Serengeti Safari Lodges Limited*** (supra), or otherwise show cause why disciplinary actions should not be taken against him for the citation of non-existent case, an act which potentially constituted a failure to be frank and transparent in all dealings with the Court, contrary to Rule 6 (1) (i) of the Advocates (Professional Conduct and Etiquette) Regulations G.N. 188 of 2018 (the Regulations); or deception of a court or influence the course of justice by offering false evidence or misstating facts or law contrary to Rule 92 (2) (e) (i & ii) of the Regulations; or failure to uphold the dignity and integrity of the profession and promoting its reputation for fairness, justice and honesty contrary to Rule 113 of the Regulations, to mention a few potential professional conduct and etiquette violations by the learned counsel.

When the matter was called on 11th August, 2026, Mr. Kachenje was unable to supply the Court with copies of the referred decisions and

informed the Court of his inability to find them, notwithstanding the efforts he had made to that effect. Such effort included a further search on various sources and direct communication with the Mwanza and Musoma registries from which the referred decisions are purported to have originated. Mr. Kachenje conceded to have sourced the referred decisions online, conceded to have made an unfortunate professional mistake in citing those decisions, indicated that he did not do so in bad faith or with the intention to mislead the Court, regretfully accepted responsibility for the inadvertent citation of non-existent authorities, submitted that he has never been charged or found guilty of any professional misconduct in all his career, vowed not to repeat the professional misconduct, and sought this Court's forgiveness from disciplinary action.

Ms. Kumbukeni Kondo, learned State Attorney who appeared on behalf of the 1st, 2nd, and 6th Respondents on the material date, and Mr. Masami did not have much to say in response to Mr. Kachenje's submission. Both, in their own way, sympathized with him, acknowledged the professional misconduct, echoed that it was not done in bad faith, and sought this Court's forgiveness on his behalf.

Having heard the submissions, I wish to underscore a few issues that clarify the gravity of Mr. Kachenje's actions. First, Mr. Kachenje is an advocate and a member of the legal profession, thus a professional as defined by the 11th edition of Black's Law Dictionary by Bryan A. Garner (Ed) (the Dictionary) at page 1463. In that capacity, and by virtue of section 75 of the Advocates Act [Cap 341 R.E. 2023] (the Advocates Act), he is an officer of this Court who is *inter alia* duty-bound to assist the Court in finding the truth and in the ultimate discharge of its constitutional mandate of justice dispensation by treating the Court with candour, courtesy, and respect. According to the Dictionary at page 255, the word candour means:

*"the quality of being open, **honest**, and sincere..."* (Emphasis is mine).

Second, in treating the court with candour, that is being open, honest, and sincere, an advocate is, according to Rule 92 (2) (e) (i & ii) of the Regulations, prohibited from *inter alia* deceiving, attempting to deceive, or participating in the deception of the Court by offering false evidence or misstating facts or law.

On the day when Mr. Kachenje made the argument which is the subject of this Ruling, he argued and prayed that this Court be pleased to extend the time within which his client could apply for leave to pursue a judicial review. Submitting on the issue of whether his client's application was the right course of action or an application for extension of time within which to apply for judicial review was the more appropriate remedy available to his client following the striking out of the original application, he argued that once an application for judicial review is filed, the preceding leave is fully spent, and that if the application is struck out on technical grounds, the remedy lies in the application of a fresh leave before lodging a fresh application for judicial review. Mr. Kachenje sought to convince this Court of the correctness of his argument by citing the impugned decisions of the Court of Appeal and quoting them, as captured above, in his submission. By doing so, Mr. Kachenje, herein taken to be aware that the decisions of the Court of Appeal bind this Court, intended for this Court to rely on the impugned cases, which conveniently supported his argument, in its decision.

Mr. Kachenje, Ms. Kondo, and Mr. Masami agree that the impugned decisions do not exist and that their citation, according to Mr. Kachenje, amounts to an unfortunate professional mistake. According to Ms. Kondo

and Mr. Masami, the citation amounts to a lack of proper verification of the cases before their reliance in Court. However, all three impressed upon this Court that Mr. Kachenje's actions were neither deliberate nor done in bad faith.

Does the lack of intention or bad faith absolve Mr. Kachenje of liability for what he calls an unfortunate professional mistake? The duty on advocates to treat the Court with candour as stated in Rule 92 (1) of the Regulations is an absolute duty, not subject to intention, the lack of it or bad faith. Rule 92 (2) (e) (ii) of the Regulations further qualifies the standard of candour expected of advocates by prohibiting them from deceiving the Court by way of misstatement of fact or law. Deceit, the noun from which the verb deceive/deceiving is conjugated, is, on page 510 of the Dictionary, defined as

"the act of intentionally leading someone to believe something that is not true; ... or a false statement of fact made by a person knowingly or recklessly (i.e. not caring whether it is true or false) with the intent that someone else will act on it".

This definition impresses on me that knowledge or ignorance of the veracity of the information conveyed to another is irrelevant in

establishing deceit as long as the conveyer of the information intended for its recipient to act on the conveyed information. I find this conclusion to be in line with Rule 92 (2) (e) (ii) of the Regulations, where the mere misstatement of facts or law is considered an act of deception regardless of whether the misstatement was intentional or innocent. As such, being that Mr. Kachenje cited and quoted the impugned decisions as authorities over the decisions of this Court, the lack of intention or bad faith does not absolve Mr. Kachenje of culpability for conduct he described as an unfortunate professional mistake.

The concessions and defence offered tell me that Mr. Kachenje is, at the very least, culpable of professional negligence. On page 1463 of the Dictionary, professional negligence is akin to malpractice. On page 1148 of the Dictionary, malpractice is:

"an instance of negligence or incompetence on the part of a professional";

and legal malpractice is:

"a lawyer's failure to render professional services with the skill, prudence, and diligence that an ordinary and reasonable lawyer would use under similar circumstances".

In this instance, I am convinced that Mr. Kachenje did not act with the necessary skill, prudence, and diligence expected of an ordinary and reasonable lawyer, first by citing non-existent and potentially AI-generated cases, and second by not verifying the correctness of the authorities on which he based his argument in his submission before this Court. I find persuasive comfort for my conviction from paragraph 18 on page 14 of the Australian case of ***Valu vs Minister for Immigration and Multicultural Affairs (No 2)*** [2025] FedCFamC2G 95; and paragraphs 57 to 65 on pages 11 to 13 of the English case of ***Frederick Ayinde vs The London Borough of Haringey*** [2025] EWHC 1040 (Admin).

From the foregoing discussion, I am satisfied that Mr. Kachenje deceived the Court by misstating facts and law when he cited and quoted non-existent and potentially AI-generated cases of the Court of Appeal, for this Court to use them as authorities for his argument. Such an act is contrary to Rules 92 (1) and (2) (ii) of the Regulations. By deceiving the Court in the manner described, Mr. Kachenje has failed to be frank in his dealings with the Court, contrary to Rule 6 (1) (i) of the Regulations, thus tainting his integrity, and has failed to uphold the dignity and integrity of the profession and promote its reputation to the public for fairness, justice,

and honesty, contrary to Rule 113 of the Regulations. In the fine, I find that Mr. Kachenje is guilty of professional misconduct or, in his own words, "*an unfortunate professional mistake.*"

What, then, should the Court do, having found as such? First and foremost, because the cases of ***Mwanza Restaurant Workers Co-operative Societies vs. Regional Commissioner of Mwanza***, (supra), and ***Sanai Murumbe and another vs. Managing Director, Serengeti Safari Lodges Limited*** (supra), and the quotations therefrom purported to be words of the Court of Appeal, have been found to be non-existent, the cases and quotations are hereby expunged from the record of this Court.

Second, according to Section 30 (1) of the Advocates Act [Cap 341 R.E. 2023] (the Act) and Rule 142 (b) of the Regulations, a Judge of the High Court is one of the disciplinary authorities tasked with the enforcement of the Regulations by dealing with the misconduct or offences of advocates. In doing so and according to Section 30 (2) (a) of the Act, a Judge has the power to admonish, suspend or remove the name of an advocate from the Roll of Advocates (the Roll). Additionally, under Rule 143 of the Regulations, a Judge may, *inter alia*, issue an order requiring an advocate

to pay a fine, compensate the client, and/or offer a published apology as additional sanctions for breach of the Regulations.

Mindful of the fact that Mr. Kachenje conceded and apologized for his 'unfortunate professional mistake' and on the apologies given by Ms. Kondo and Mr. Masami on his behalf, I am of the view that Mr. Kachenje has understood his mistake, its effects, and on his undertaking, I believe he will not repeat this or any other misconduct. That said, I am of the view that there must be consequences for actions and omissions alike, and the Court should not abdicate its duty to enforce the professional conduct and etiquette standards of the legal profession. Further, inspired by a recent decision of the Supreme Court of India in ***Pooja Ramesh Singh vs Jammu and Kashmir Bank Ltd***, Civil Appeal No. 11950/2025 (2026 INSC 668) on paragraphs 7 to 9 on pages 5 and 6, I hold the view that the Judiciary should have a zero-tolerance policy for the reference or citation of and reliance on non-existent or fake AI-generated cases in court. Such a policy should apply equally to the Bar and the Bench so as to uphold the integrity of the legal profession and the sanctity of the adjudication process.

In the case of ***Ayinde vs London Borough of Haringey, and Al-Haroun vs Qatar National Bank*** [2025] EWHC 1383 (Admin), the High Court – King’s Bench Division, stated that:

"There are serious implications for the administration of justice and public confidence in the justice system if artificial intelligence is misused. In those circumstances, practical and effective measures must now be taken by those within the legal profession with individual leadership responsibilities (such as heads of chambers and managing partners) and by those with the responsibility for regulating the provision of legal services. Those measures must ensure that every individual currently providing legal services within this jurisdiction (whenever and wherever they were qualified to do so) understands and complies with their professional and ethical obligations and their duties to the court if using artificial intelligence."

This position persuades me that the Court must take effective measures to ensure the integrity of the legal profession, uphold its reputation and public confidence, and hold legal service providers to the required and expected professional standards.

I am aware that, sadly, this is not the first-time non-existent cases have been cited before the High Court. In ***FAM vs ZAM*** [2025] TZHC 3948,

the Court faced a similar occurrence in which counsel cited 6 non-existent cases. Therein, on pages 8 – 10, the Court emphatically captured the duty of an advocate not to:

"mislead the Court, whether through their own actions or failures to act, ..."

However, the Court did not impose any sanctions on counsel.

The repeated citation of non-existent cases in this Court, as has happened before me, shows that the Court's approach in **FAM vs ZAM**, where, only about a year ago, advocates were reminded of their duty to the Court, has not brought about the intended result; it has not been an effective measure. Further, it shows that without appropriate deterrent measures, such occurrences will not only continue but also proliferate. To deter the repetition of such misconduct and thereby ensure that the sanctity of the adjudication process and the integrity and reputation of, and public confidence in, the legal profession are upheld, sanctions are necessary.

This necessity and the actual issuance of sanctions are not without precedent. The citation of non-existent or AI-generated cases, which is not peculiar to our jurisdiction, has been addressed by other jurisdictions

in various ways. In ***Valu v Minister for Immigration and Multicultural Affairs (No 2)*** (supra), although counsel had no history of misconduct and expressed embarrassment and remorse, the court still referred the matter to the regulatory authority in the public interest. In the case of ***Frederick Ayinde vs The London Borough of Haringey*** (supra), both the counsel and the law centre responsible for citing non-existent cases were ordered to pay costs of GBP 2,000 each. In the case of ***Mata vs Avianca, Inc.***, 678 F.Supp.3d 443 (2023), counsel and the law firm were jointly fined USD 5,000. Admittedly, the sanctions vary and ought to be metered on a case-by-case basis. Nonetheless, the issuance of sanctions is a common denominator across all the referred cases.

For the foregoing reasons, having found that Mr. Kachenje has committed professional misconduct, according to Section 30 (2) (a) of the Act, I hereby suspend Mr. Kachenje from practice for a period of six (6) months from the date of this decision. Further, on account of his failure to uphold the integrity and the public reputation of the profession for honesty, Mr. Kachenje is, according to Rule 143 (e) of the Regulations, hereby ordered to offer a written public apology to the Court and the public, signed by him, for deceiving/misleading the Court by citing non-existent cases; failure to do so will extend his suspension by one (1) month until

publication is made. The publication should be made in both English and Swahili and published in a daily, widely circulating newspaper. Proof of such publication should be submitted to the Registrar of the High Court. I make no orders as to costs.

It is so ordered.

DATED at **DODOMA** this 03rd of September 2026.



M. M. Siyani

PRINCIPAL JUDGE