



IN THE EAST AFRICAN COURT OF JUSTICE

FIRST INSTANCE DIVISION

AT ARUSHA

REFERENCE NO. 37 OF 2022

MEGWERI MOKINGA MAKO 1st APPLICANT
NDALAMIA PARTARETO TAIWAP 2nd APPLICANT
LATANG'AMWAKI NDWATI 3rd APPLICANT
JOHN KAMBELEI PYANDO 4th APPLICANT
LATAJEWU LANGEU SAYORI 5th APPLICANT
JOHN MAYIOR SAING'EU 6th APPLICANT 10

Versus

THE ATTORNEY GENERAL OF

THE UNITED REPUBLIC OF TANZANIA RESPONDENT

STATEMENT OF REFERENCE

(Made under Article 6(d), 8(1)(c), 27, 30 of the East Africa Community Treaty and Rule 25(1), (2)[a], [b], [c], [d], [e], (3) and (4) of THE EAST AFRICAN COURT OF JUSTICE RULES OF PROCEDURE 2019).

The Applicants herein state as follows:

1. That We MEGWERI MOKINGA MAKO, NDALAMIA PARTARETO TAIWAP, LATANG'AMWAKI NDWATI, JOHN KAMBELEI PYANDO, LATAJEWU LANGEU 20



SAYORI and JOHN MAYIOR SAING'EU the Applicants herein are all natural person's adult citizens of the United Republic of Tanzania lawfully living within the Ngorongoro District, Arusha Region and their address for service is in the care of: -

1. Mr. Donald Omondi Deya, Advocate,

Pan African Lawyers Union (PALU),

Number 3, Jandu Road, Corridor Area, Arusha,

Post Office Box Number 6065, Arusha,

Republic of Tanzania

2. Jebra Kambole (Advocate)

Law Guards Advocates,

10

KINONDONI, Togo Tower, 2nd Floor, Manyanya Street,

P.O. Box 5413,

DAR ES SALAAM

www.lawguards.co.tz

+255 784 334 032

3. Joseph Moses L. Oleshangay, Advocate

Legal and Human Rights Centre,

Arusha Legal Aid Unit,

P.O. Box 15243,

Arusha – Nairobi Road,

20



Plot 116/5 – Olosiva Area,

Arusha

joleshangay@humanrights.or.tz

2. The Respondent, the Attorney General of the United Republic of Tanzania, is the chief legal advisor to the Government of the United Republic of Tanzania the party to the Treaty for the Establishment of the East African Community (the Treaty) and is the official representative of the State and the Government for purposes of any suit against the State or the Government. For purposes of this reference, the Respondent's address for service shall be via

The Solicitor General,

10

Office of the Solicitor General,

10 Kivukoni Road,

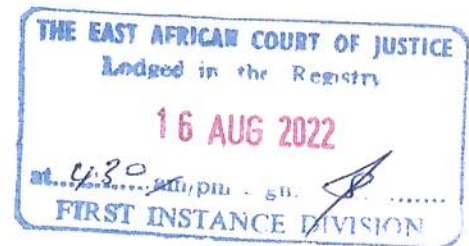
P.O. Box 71554, DAR ES SALAAM Tanzania

3. The Applicants are natural adult persons, members of the Maasai pastoral community, all citizens of the United Republic of Tanzania and the victims of the Respondent's enforced displacement, land dispossession, violent eviction, threats, and bodily attack targeting the Applicants' Community.
4. That, the Applicants are nomadic pastoralists who have since time immemorial been the legitimate owners and occupants of the area now named by the Respondent State as Pololeti game Controlled Area since 17/06/2022.

20

The Subject Matter of the Reference

5. This Reference relates to a Declaration Order in Government Notice no. 281 signed on 10/06/ 2022 by Hon. Pindi Chana, Minister of Natural Resource and Tourism of the



United Republic of Tanzania, published on 17/06/2022 illegally declaring the Land measuring 1502 square as Pololeti Game Controlled Area. **Kindly find the attached copy of the Pololeti Game Controlled Area declaration Order as Annexure “MS 1” and leave of the Court is craved for the same to form part of this Reference.**

6. That, from June 2022, the Respondent State deployed the army, police, and Game Warden to illegally demarcate Applicant Village Land, Spiritual and cultural sites, peoples homestead and pastureland as a Game Controlled Area.
7. That, to date, the armies, Police, and the Game Warden deployed by the Respondent State undertook a violent operation that led to 31 casualties, 119 arrested civilians and forced over 2000 individuals to flee the country as refugees 10
8. That, the land referred to under paragraph 5 which is the ancestral land of the Applicants serves as their only home, seasonal and cyclic use for their livelihoods, cultural, ceremonial, and spiritual purposes.
9. During the dry seasons, the Applicants, and their ancestors from time immemorial moved freely from one section of their ancestral land to another in line with their existing grazing plan to different rangelands within the premises described under paragraph 6 to this Reference in search of water, pasture, and other important minerals for their livestock within the expansive area described under paragraph 6 to this reference.
10. The Applicants and their Community have for centuries used the land described under paragraph 6 to this Reference as ancestral territory, practiced pastoralism, and cultural and spiritual practices sites in trust for their future generations under an elaborate traditional customary land tenure system that includes a grazing plan that facilitates the movement of livestock freely and in a cyclic manner, which inter alia include: 20



- a. The Applicants and their Community use the area in question to lead a pastoralist way of living, using the available natural resources, taking care of their cattle and the area of land to practice a nomadic lifestyle, living in balance with nature without breaching any of the provisions of environmental law.
 - b. That, the Applicants, and their community use the Pololet Area as a traditional and cultural site for performing rites of passage ceremonies from time immemorial
 - c. Applicants and their community from time immemorial have established a spiritual attachment to the land illegally violently annexed and declared as Pololeti Game Controlled Area 10
 - d. Applicants and thousands of individuals have established their permanent settlement within the vast land illegally annexed by the Respondent State as Game Controlled Area using the army, police, Game Warden and other security agencies
 - e. That, the Suitland is part of the fourteen village Land resided by thousands of citizens of the Respondent State in accordance with the Respondent State laws
 - f. That, Applicants, and their communities' cultural, and spiritual attachments described under paragraph 11 (a-e) to this reference have no alternative and defines them as people, their culture and spirituality 20
11. That, the declaration was made as a means of taking away village land of Ololosokwan, Kirtalo, Oloipiri, Lopolun, Orkuyainie, Oldoinyowas, Loosoito, Arash, Ormanie, Oloiswashi, Enkobereti, Olalaa, Kipambi, Ololosokwan Village Lands, Piyaya, and Malambovillage land as the Pololeti Game Controlled Area and making a



total 1502 sqm without following the Land Act, Village Land Act, Wildlife Conservation Act, and other laws of the United Republic of Tanzania.

12. That, under the Respondent State laws, the minister has no mandate to establish Game Controlled Area within Village Land
13. That, Applicants Community through four village authorities in the year 2017 sued the Respondent State over ownership of the land subject to this Reference in Reference No 10 of 2017 of the East Africa Court of Justice the reference that is now pending for Judgement resulted from another military operation against the Applicant and their community
14. That, in the Year 2018, the first Instance Division of the East Africa Court of Justice in Application No 15 of 2017 issued a Ruling directing the Respondent State to halt any operation intending to relocate Applicants and their community pending determination of the of the Main Reference No 10 of 2017 of the East Africa Court of Justice 10
15. That the Applicants contend that they were not notified of the process to set apart and divide their ancestral territories or to evict them out of their lawful ancestral land to enable them to participate actively and freely in any of such processes.
16. The Applicants contend that they have learned of the impugned process through GN no 421 of 2022, the Respondent State demarcate Village Land, human settlement, pastureland, cultural and spiritual site into a Game Controlled Area.
17. That the Respondents have not adhered nor followed the legal recourse as provided under the Respondent State laws or international mechanism regarding neither transfer of ownership of land nor the change of land uses pursuant to the laws presently in force. 20
18. That the Applicants and their families, and communities have suffered and will continue to suffer further irreparable loss and damages as distinct people if the Orders sought for herein are not granted.



POINTS OF LAW ON WHICH THE REFERENCE IS BASED

Jurisdiction

19. The United Republic of Tanzania ("Tanzania") is an East African Community (the "Community") Partner State, having acceded to the Treaty on 7th July 2000.¹ Under Article 23 of the Treaty, the Court is tasked with ensuring the adherence to law in the interpretation and application of and compliance with the Treaty. Article 27(1) of the Treaty gives the Court jurisdiction to interpret the Treaty's provisions. This Court has confirmed in its case law that it is the only appropriate Court to rule on questions regarding the interpretation of the Treaty.² The Court has previously held that interpretation of the question of whether Articles 6(d), 7(2) and 8 (1) (c) of the Treaty subject to this reference squarely falls within the ambit of the Court's jurisdiction.³ 10
20. The acts, omissions and conduct complained of herein are within the Jurisdiction of this Honourable Court and the cause of action arose on 17/06/2022 when the Respondent State issued a published Gazette to formally declare the disputed Land as a Game Controlled Area to the filing this Reference as the operation is underway and therefore The Statement of Reference was submitted within 2 months of the publication of The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022 dated 17/06/2022, as required under Article 30(2) of the Treaty.
21. In light of the above, the Applicants respectfully plead that the Court has the three-dimensional jurisdiction required; those specifically being *ratione personae*, *ratione* 20

¹ See http://www.wipo.int/wipolex/en/other_treaties/parties.jsp?treaty_id=219&group_id=24.

² East African Court of Justice ("EACJ"), Hon. Sitenda Sebalu versus The Secretary General of the East Africa Community.

³ East African Court of Justice ("EACJ"), Consolidated Reference No 3 and 4 of 2019, Freeman A. Mbowe and Others versus Attorney General of United Republic, Angela Amundo versus Secretary General of EAC, Appeal No. 4 of 2014.



materiae, and ratione temporis, thus granting this Court the authority to determine this Reference and provide the relief sought by the Applicants⁴

Merits of the Reference Application

22. That, the Respondent State adopted The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022, amounts to unjustified interference to the operational and fundamental principles of the community is democracy, rule of law, and good governance which the Respondent has legally committed to abiding by, through the signing of the Treaty for the Establishment of the East African Community under Articles 6(d), 7(2) and 8(1) (c) of the Treaty for Establishment of the East African Community (hereinafter “the Treaty”) amongst many other international legal instruments that requires the respondent State to 10

- a. Uphold the fundamental principles of the Community as enshrined in Article 6(d) which include:
- b. “Good governance including the adherence to the principle of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as the recognition, promotion and protection of human and peoples’ rights in accordance with the provisions of the African Charter on Human and Peoples’ Rights.”
- c. Uphold the Community’s operational principles as listed in Article 7(2) which prescribes that Partner States, 20
- d. “Undertake to abide by the principles of good governance, including adherence to the principles of democracy, rule of law, social justice and the maintenance of universally accepted standards of human rights.”

⁴ Erick Kabalisa Makala versus Attorney General of Rwanda, EACJ reference No. 1 of 2017. And the Case Freeman A. Mbowe and Others versus Attorney General of United Republic, Angela Amundo versus Secretary General of EAC, Appeal No. 4 of 2014



- e. Pursuant to Article 8(1) (c) of the Treaty, Tanzania has undertaken to “abstain from any measures likely to jeopardise the achievement of those objectives or the implementation of the provisions of [the] Treaty.”
23. The action of the Respondent State is in violation of Articles 6 (d), 7 (2) and 8 (1) (c) of the Treaty in the following ways:
- a. That the declaration by Hon. Pindi Chana Minister of Natural Resource and Tourism Published on 17/06/2022 as **The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022**, was made in Violation of Wildlife Conservation Act the guiding law in establishing Game Controlled Area within the Respondent State and therefore illegal for including village Land into a Game Controlled Area and without affording occupants and local authorities the right to be heard, thus violating Articles 6(d), 7(2) and 8 (1) (c) of the Treaty. 10
- b. That the declaration by Hon. Pindi Chana Minister of Natural Resource and Tourism Published on 17/06/2022 as **The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022**, did not comply with the requirement of compensation to the Applicants and their community lawfully living within disputed land, thus violating Articles 6(d), 7(2) and 8 (1) (c) of the Treaty.
- c. That the declaration by Hon. Pindi Chana Minister of Natural Resource and Tourism Published on 17/06/2022 as **The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022**, was not done in consultation with the leaders of the villages. Moreover, at the time of demarcating and declaring that the said land was the game-controlled area, ten (10) leaders were arrested on 9/06/2022 and later charged with murder cases. There was a lack of consultation with the affected persons as well 20



as their leaders, which is contrary to the law and, therefore violates Articles 6(d), 7(2) and 8 (1) (c) of the Treaty.

- d. That the declaration by Hon. Pindi Chana Minister of Natural Resource and Tourism Published on 17/06/2022 as **The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022**, has been done unreasonably by demarcating and erecting huge marks (beacons) with the escort of security forces. Further, the deployment of the armies, police, and other security agencies to displace, arrest, detain and maliciously prosecute Applicant community members, killing and impounding of the applicant community livestock before publishing the declaratory order in the Government gazette and without involving the Applicants or their leaders, which is contrary to the law and, thus violates Articles 6(d), 7(2) and 8 (1) (c) of the Treaty.

10

- e. That the declaration by Hon. Pindi Chana Minister of Natural Resource and Tourism Published on the 17/06/2022 as **The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022**, while making a declaration, has acted with improper motives for failure to take into account the lives of roughly 110,000 people living in the area as well as their livelihoods.⁵ Such actions are contrary to the laws and , therefore violate Articles 6(d), 7(2) and 8 (1) (c) of the Treaty.

20

- f. That the declaration by Hon. Pindi Chana Minister of Natural Resource and Tourism Published on 17/06/2022 as **The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022**, was made without consulting the affected persons to afford them an opportunity to be heard and share or voice their ideas on the said process. Denying persons, the

⁵ Jacob Mosenda, "Government Defends Loloondo Demarcation, Ngorongoro Relocations", The Citizen, (June 23, 2022), available at <https://www.thecitizen.co.tz/tanzania/news/national/government-defends-loloondo-demarcation-ngorongoro-relocations-3857372>.



right to be heard is against the rules of natural justice, which is contrary to the law and, thus violates Articles 6(d), 7(2) and 8 (1) (c) of the Treaty.

- g. That the declaration by Hon. Pindi Chana Minister of Natural Resource and Tourism Published on 17/06/2022 as **The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022**, had an ill interest against Maasai Community resulting from demarcating the Suitland without knowledge of its lawful occupants using the army, police and other security agencies other than democratic consultative processes in violation of the rule against bias contrary to the law and, thus violates Articles 6(d), 7(2) and 8 (1) (c) of the Treaty.

10

- h. That the declaration by Hon. Pindi Chana Minister of Natural Resource and Tourism Published on 17/06/2022 as **The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022 amounts to acting and delivering an order without stating the reasoning behind such a decision, as is mandated by the order by law**. The non-disclosure of the reasons for the decisions by the Respondent reveals the ill-intention regarding its actions impacting thousands of pastoral communities affected persons in violation of Articles 6(d), 7(2) and 8 (1) (c) of the Treaty.

- i. That, the military operation, displacement of communities, demarcation of the disputed Land declaration of **The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022** violated the orders issued by the East Africa Court of Justice on 29/09/2018 via Application No 15 of 2017 of the East Africa Court of Justice and therefore violate the rule of law set under Articles 6(d), 7(2) and 8 (1) (c) of the Treaty.

20

- j. That the declaration by Hon. Pindi Chana Minister of Natural Resource and Tourism Published on 17/06/2022 as **The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022**, acted in violation of the



principle of legitimate expectations for the Indigenous Maasai Community to continue living on their ancestral land for an indefinite period. The instant and arbitrary demarcation and change of use of the said land by the Respondent without consultation thus the Respondent is in violation of the principle of legitimate expectations contrary to the law and thus violates Articles 6(d), 7(2) and 8 (1) (c) of the Treaty.

- k. That the declaration by Hon. Pindi Chana Minister of Natural Resource and Tourism Published on 17/06/2022 as **The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022**, is illegal, unreasonable, irrational, procedurally impropriety, in breach of both the rules of natural justice and the doctrine of legitimate expectation and thus violates Articles 6(d), 7(2) and 8 (1) (c) of the Treaty. 10
- l. The Respondent is illegally evicting, destroying homes, confiscating, and killing livestock, threatening, interfering with the liberty of the Applicants residents by locking them up and vandalising their private property.

The Nature of Evidence

24. For purpose of this Reference, the following Evidence will be relied upon by the Applicants

- a. The Constitution of the United Republic of Tanzania, 1977
- b. **The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022** 20
- c. Charge sheet (Preliminary Inquiry No. 11 of 2022)
- d. Immigration charges
- e. Certificate of registration of villages



- f. Statements by different organisations
- g. Affidavits
- h. Public Statements made by the officials of the Respondent State
- i. Newspaper cuts and Media link
- j. Any further evidence as may be pleaded and annexed later.

ORDERS SOUGHT

REASONS WHEREOF, Considering the above, the Applicants respectfully pray for Judgement and Decree pursuant to Articles 27(1), 30 and 35 of the Treaty and Rule 79 of the Rules of the Court, to:

- a. Declare that The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022 is in violation of Articles 6(d), 7(2), and 8(1)(c) of the Treaty. 10
- b. Order the Respondent State to nullify the impugned order for being violative of the Treaty.
- c. An Order that the said 1502 squarer Kilometres illegally declared by the Respondent State as Pololeti Game Controlled Area is a village land, Spiritual, cultural, grassing, and ancestral Land for the Maasai indigenous community.
- d. Order in the form of permanent Injunction against displacement of Applicant and its indigenous Community in the Suitland 20
- e. An order on the manner the Court will monitor implementation of its orders, includes an order for the Respondent to report to the Court on



implementation of the Judgement within one year or any time as the Court will prescribe.

- f. The Respondent be ordered to make full reparations and further pay general damages of Tanzanian Shillings TZS 3,000,000,000 for the deaths, injuries, trauma and other violations to the people, as well for property illegally seized, demolished, and destroyed by the Respondent State.
- g. Order that the costs of the Reference be borne by the Respondent State
- h. Any other relief that the Court deems appropriate to grant.

SIGNED and VERIFIED AT ARUSHA this ¹⁵ Day of August 2022

For COUNSEL FOR APPLICANTS

10

LODGED in the East African Court of Justice Registry at ARUSHA



This ¹⁶ Day of ^{Aug} 2022

REGISTRAR

DRAWN AND FILED JOINTLY BY:

1. Mr. Donald Omondi Deya, Advocate,
Pan African Lawyers Union (PALU),
Number 3, Jandu Road, Corridor Area, Arusha,
Post Office Box Number 6065, Arusha,

20



Republic of Tanzania

2. Jebra Kambole (Advocate)

Law Guards Advocates,

KINONDONI, Togo Tower, 2nd Floor, Manyanya Street,

P.O. Box 5413,

DAR ES SALAAM

www.lawguards.co.tz

+255 784 334 032

3. Joseph Moses L. Oleshangay, Advocate

Legal and Human Rights Centre,

10

Arusha Legal Aid Unit,

P.O. Box 15243,

Arusha – Nairobi Road,

Plot 116/5 – Olosiva Area,

Arusha

joleshangay@humanrights.or.tz

FOR SERVICE UPON:

The Office of the Solicitor General of United Republic of Tanzania

Kivukoni Front

P.O. Box 71554 Dar es Salaam – TANZANIA

20



IN THE EAST AFRICAN COURT OF JUSTICE

FIRST INSTANCE DIVISION

AT ARUSHA

REFERENCE NO. 37 OF 2022

MEGWERI MOKINGA MAKU 1st APPLICANT
NDALAMIA PARTARETO TAIWAP 2nd APPLICANT
LATANG'AMWAKI NDWATI 3rd APPLICANT
JOHN KAMBELEI PYANDO 4th APPLICANT
LATAJEWU LANGEU SAYORI 5th APPLICANT
JOHN MAYIOR SAING'EU 6th APPLICANT

10

Versus

THE ATTORNEY GENERAL OF
THE UNITED REPUBLIC OF TANZANIA RESPONDENT

AFFIDAVIT

I, **JOHN MAYIOR SAING'EU**, an Adult, Male, Christian and resident of OLOLOSOKWAN Village, Ngorongoro District, Arusha Region of the United Republic of Tanzania DO
HEREBY TAKE OATH and STATE the following: -

20

- 1) That, I am adult, Christian, and resident of OLOLOSOKWAN Village and 6th Applicant herein therefore conversant with the facts I am about to depone herein.
- 2) That, I am the chairperson of Mairowa B hamlet and the village council member for Ololosokwan Village within Ngorongoro District, Arusha Region elected since 2019.
- 3) That, the Respondent is the Hon. Attorney General of the United Republic of Tanzania, is the principal legal advisor to the Government of the United Republic of Tanzania.
- 4) That the Minister of natural resource and tourism from partner state Hon. Pindi H. Chana on 10th June 2022 signed The Wildlife Conservation (Pololeti

30



Game Control Area) (Declaration) Order, 2022, which was published in the government gazette No. 421 Published on 17th June 2022.

The Copy of the Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022 G.N No 421 of 2022 marked as annexure L1 and leave of the Court is craved for the same to form part of this affidavit.

5) That I swear this affidavit to support the reference that the order by the Respondent state to take away our land is in violation of the fundamental principles of the community, operation principles of the community and general undertaking of implementation.

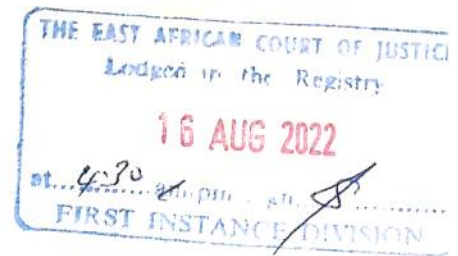
10

6) That the declaration of The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022, impacted 14 villages in Loliondo and Sale divisions whose lands have been declared as Pololeti game Controlled area, totaling around 1509 square kilometers.

7) That, the said annexation and declaration of Pololet Game Control Area has included Ololosokwan, Kirtalo, Oloipiri, Lopolun, Orkuyainie, Oldoinyowas, Loosoito, Arash, Ormanie, Oloiswashi, Enkobereti, Olalaa, Kipambi, Mbuken village Lands, Piyaya, and Malambo Village land as the pololet Game Controlled Area.

8) That, the Land impacted under paragraph 7 has been exclusively owned and occupied through generations since time immemorial by indigenous Maasai communities, and used the land in various ways for cultural, spiritual, and social ways and therefore have deep rooted ancestral ties to the Land.

20



- 9) That, the Maasai Communities who have inhabited, resided, and utilized the area at issue in various cultural, religious, and social ways for many generations, and therefore have deep-rooted ancestral ties to the land.
- 10) That, the declaration of Pololet Game Control Area included the OLOLOSOKWAN Village land, the place I permanently live and act as chairperson of MAIROWA B Hamlet and the village council member for Ololosokwan Village and my permanent home, pastureland, and the spiritual and cultural site of my community.
- 11) That, as a village chairperson, I have never been informed nor my village consulted in the process of making and declaring Pololeti Game Controlled Area, which has affected the OLOLOSOKWAN Village land and its inhabitants including myself. 10
- 12) That the Respondent acted without legal power to declare village lands as a Game Controlled area.
- 13) That, following the declaration of the affected land as a Game Controlled Area, the army, police and other security groups have forcefully and violently evicted thousands of people within the land declared as the Game Controlled Area.
- 14) That, in the village that I permanently reside and act as its chairperson, the security officers have killed cows, goats, sheep, donkeys by live bullets and its owners threatened just after declaration of the Pololeti Game Controlled Area by the Respondent State 20



15) That, the Mass arrest conducted by the Respondent State as endeavor to violently enforce annexation of the village land to establish a wildlife massacre block included my village OLOLOSOKWAN Lawful residents

16) That, within the village that I reside and act as its chairperson for Mairiwa B Hamlet, livestock has been seized, impounded and homesteads has been destroyed by the security personnel deployed by the Respondent State

17) That, since 10th June 2022, when the process of demarcating boundaries commenced, the security personnel used live bullets to injure the civilians lawfully residing within the area to violently enforce annexation of suitland into a Game Controlled Area

10

18) That, from the 10th of June 2022, the villages within the contested land and the whole of Loliondo has been turned into a police state with mass arrests and violent threats intended to intimidate civilians occupying and using the land.

19) That, the security deployed to demarcate the area illegally declared by the 1st Respondent as a Game Controlled Area has undertaken a violent process including shooting livestock and impounding livestock within the village lands illegally.

20) That, since 24th June 2022, to date state security personnel are setting ablaze human settlements, killing livestock, confiscating livestock within the land declared as the Game Controlled Area, which is situated within fourteen village Lands impacted by the declaration of the Pololeti Game Controlled Area.

20



- 21) That the affected persons, including myself, were not consulted nor informed of the decision to declare and demarcate our homes, villages, and pasture lands as a Game Controlled Area.
- 22) That, in the village that I reside and act as the Village council member and Mairowa B Hamlet Chairperson, the Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022, has affected human settlements, Village Lands, pasturelands, as well as community cultural and spiritual sites.
- 23) That I am personally aware that, the process of making the Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022, and the military operation associated to it was unreasonable, irrational, ill- 10 motivated and Genocidal against the Pastoral Maasai Community.
- 24) That, this process is based on improper procedures and is founded on violent processes lacking consultation of either the rights holders or the local authorities and is therefore illegal.
- 25) That the principle of the rule of law and democracy require that members of a partner state follow the law and democracy when making decisions such as the declaration of the occupied and utilized land in issues such as the Game Controlled Area
- 26) That, before launching a military operation, the Respondent State undertaken a global televised campaign in the form of the Tanzania Royal 20 Tour prominently featured by the Respondent State president describing Maasai community as Primitive, newest immigrants to Tanzania that I believe were meant to segregate and target Maasai Community as people



27) That, I am aware that the Respondent under pretext of conservation is evicting Maasai community in Ngorongoro Conservation Area and has publicly made intention to establish Game reserves in many parts of the Country in a manner that singles out areas resided by Maasai Communities without affecting other neighboring societies. That I believe the scheme justified under the guise of conservation is a pretextual intent to resettle Maasai communities from their ancestral territories throughout the United Republic of Tanzania that I believe is illegal, unwarranted, and genocidal

28) That, I make this Affidavit in support of the orders sought in the Reference

10

Dated and signed at ARUSHA this 15 day of August 2022



APPLICANT

VERIFICATION

20

I, **JOHN MAYIOR SAING'EU** the 6th Applicant herein do hereby VERIFY that all what is stated in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27 and 28 is true to the best of my own knowledge and believe as 6th Applicant.

Verified and signed at Arusha this 15 day of August 2022


APPLICANT

30

Sworn at Arusha by the said **JOHN MAYIOR SAING'EU**
who is known to me personally/identified to me by
_____ the latter being
known to me personally this _____ day of
this 15 day of August 2022.


DEPONENT

BEFORE ME:

NAME:

ADDRESS:

QUALIFICATION:

SIGNATURE:

MWANILI H. MAHIMBALI
571 ARUSHA
COMMISSIONER FOR OATHS
[Signature]



10

DATED AT ARUSHA this 15 Day of August 2022


For COUNSEL FOR APPLICANTS

20

LODGED in the East African Court of Justice Registry at **ARUSHA**

This 16 Day of Aug 2022




REGISTRAR


30

DRAWN AND FILED JOINTLY BY:

1. Mr. Donald Omondi Deya, Advocate,
Pan African Lawyers Union (PALU),
Number 3, Jandu Road, Corridor Area, Arusha,
Post Office Box Number 6065, Arusha,
Republic of Tanzania
And

2. Jebra Kambole (Advocate
Law Guards Advocates,
KINONDONI, Togo Tower, 2nd Floor, Manyanya Street,
P.O. Box 5413,
AR ES SALAAM
www.lawguards.co.tz
+255 784 334 032
And

10

 15/8/2022

3. Joseph Moses L. Oleshangay, Advocate
Legal and Human Rights Centre,
Arusha Legal Aid Unit,
P.O. Box 15243,
Arusha – Nairobi Road,
Plot 116/5 – Olosiva Area,
Arusha
joleshangay@humanrights.or.tz

20

FOR SERVICE UPON:

The Hon. Attorney General of United Republic of Tanzania
Attorney General's Chambers
Kivukoni Front
P.O. Box 9050
Dar es Salaam – TANZANIA

30



IN THE EAST AFRICAN COURT OF JUSTICE

FIRST INSTANCE DIVISION

AT ARUSHA

REFERENCE NO. 37 OF 2022

MEGWERI MOKINGA MAKO 1st APPLICANT
NDALAMIA PARTARETO TAIWAP 2nd APPLICANT
LATANG'AMWAKI NDWATI 3rd APPLICANT
JOHN KAMBELEI PYANDO 4th APPLICANT
LATAJEWU LANGEU SAYORI 5th APPLICANT
JOHN MAYIOR SAING'EU 6th APPLICANT

10

Versus

THE ATTORNEY GENERAL OF
THE UNITED REPUBLIC OF TANZANIA RESPONDENT

AFFIDAVIT

I, **JOHN KAMBELEI PYANDO**, an Adult, Male, Christian and resident of OLOIPIRI Village, Ngorongoro District, Arusha Region of the United Republic of Tanzania DO HEREBY TAKE OATH and STATE the following: -

1. That, I am adult, Christian, and resident of OLOLOSOKWAN Village and 5th Applicant herein therefore conversant with the facts I am about to depone herein. 20
2. That, I am the chairperson of OLOLOSOKWAN Village within Ngorongoro District, Arusha Region elected since 2019.
3. That, the Respondent is the Hon. Attorney General of the United Republic of Tanzania, is the principal legal advisor to the Government of the United Republic of Tanzania.
4. That the Minister of natural resource and tourism from partner state Hon. Pindi H. Chana on 10th June 2022 signed The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022, which was published in the government gazette No. 421 Published on 17th June 2022. 30



The Copy of the Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022 G.N No 421 of 2022 marked as annexure L1 and leave of the Court is craved for the same to form part of this affidavit.

5. That I swear this affidavit to support the reference that the order by the Respondent state to take away our land is in violation of the fundamental principles of the community, operation principles of the community and general undertaking of implementation.
6. That the declaration of The Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022, impacted 14 villages in Loliondo and Sale divisions whose lands have been declared as Pololeti game Controlled area, totaling around 1509 square kilometers. 10
7. That, the said annexation and declaration of Pololet Game Control Area has included Ololosokwan, Kirtalo, Oloipiri, Lopolun, Orkuyainie, Oldoinyowas, Loosoito, Arash, Oloipiri, Oloiswashi, Enkobereti, Olalaa, Kipambi, Mbuken village Lands, Piyaya, and Malambo Village land as the pololet Game Controlled Area.
8. That, the Land impacted under paragraph 7 has been exclusively owned and occupied through generations since time immemorial by indigenous Maasai communities, and used the land in various ways for cultural, spiritual and social ways and therefore have deep rooted ancestral ties to the Land. 20
9. These are Maasai Communities who have inhabited, resided, and utilized the area at issue in various cultural, religious, and social ways for many generations, and therefore have deep-rooted ancestral ties to the land.
10. That, the declaration of Pololet Game Control Area included the OLOLOSOKWAN Villageland, the place I act as the village chairperson and



my permanent home, pastureland, and the spiritual and cultural site of my community.

11. That, as a village chairperson, I have never been informed nor my village consulted in the process of making and declaring Pololeti Game Controlled Area, which has affected the OLOLOSOKWAN Village land and its inhabitants.

12. That the Respondent acted without legal power to declare village lands as a Game Controlled area.

10

13. That, following the declaration of the affected land as a Game Controlled Area, the army, police and other security groups have forcefully and violently evicted thousands of people within the land declared as the Game Controlled Area.

14. That, in the village that I reside, security personnel deployed by the Respondent State have seized and impounded livestock, demolish homesteads and displace communities lawfully residing the village Land illegally demarcated by the Respondent as a Game Controlled Area

20

15. That, I am personally aware that, the Respondent State intent to establish an exclusive wildlife massacre business that cannot be conveniently undertaken in the watch of its natural guardians, the Maasai community

16. That, since 10th June 2022, when the process of demarcating boundaries commenced, the security personnel used live bullets to injure the civilians lawfully residing within the area to violently enforce annexation of suitland into a Game Controlled Area.



17. That, from the 10th of June 2022, the villages within the contested land and the whole of Loliondo has been turned into a police state with mass arrests and violent threats intended to intimidate civilians occupying and using the land.

18. That, the security deployed to demarcate the area illegally declared by the 1st Respondent as a Game Controlled Area has undertaken a violent process including shooting livestock and impounding livestock within the village lands illegally.

10

19. That, since 24th June 2022, to date state security personnel are setting ablaze human settlements, killing livestock, confiscating livestock within the land declared as the Game Controlled Area, which is situated within fourteen village Lands impacted by the declaration of the Pololeti Game Controlled Area.

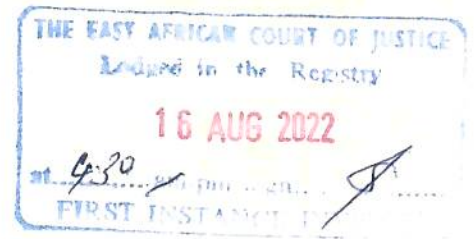
20. That the affected persons, including myself, were not consulted nor informed of the decision to declare and demarcate our homes, villages, and pasture lands as a Game Controlled Area.

20

21. That, in the village that I reside and act as the Village Chairperson, the Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022, has affected human settlements, Village Lands, pasturelands, as well as community cultural and spiritual sites.

22. That I am personally aware that, the process of making the Wildlife Conservation (Pololeti Game Control Area) (Declaration) Order, 2022, and the military operation associated to it was unreasonable, irrational, ill-motivated and Genocidal against the Pastoral Maasai Community.

30



23. That, this process is based on improper procedures and is founded on violent processes lacking consultation of either the rights holders or the local authorities and is therefore illegal.
24. That, in the mass arrest launched by the Respondent State against the Maasai community in its effort to enforce annexation of the disputed Land, included person from my own village
25. That the principle of the rule of law and democracy require that members of a partner state follow the law and democracy when making decisions such as the declaration of the occupied and utilized land in issues such as the Game Controlled Area. 10
26. That, before launching a military operation, the Respondent State undertaken a global televised campaign in the form of the Tanzania Royal Tour prominently featured by the Respondent State president describing Maasai community as Primitive, newest immigrants to Tanzania that I believe were meant to segregate and target Maasai Community as people
27. That, I am aware that the Respondent under pretext of conservation is evicting Maasai community in Ngorongoro Conservation Area and has publicly made intention to establish Game reserves in many parts of the Country in a manner that singles out areas resided by Maasai Communities without affecting other neighboring societies. That I believe the scheme justified under the guise of conservation is a pretextual intent to resettle Maasai communities from their ancestral territories throughout the United Republic of Tanzania that I believe is illegal, unwarranted, and genocidal 20



28. That, I make this Affidavit in support of the orders sought in the Reference

Dated and signed at ARUSHA this 15 day of August 2022

[Signature]
APPLICANT

10

VERIFICATION

I, **JOHN KAMBELEI PYANDO** the Applicant herein do hereby VERIFY that all what is stated in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27 and 28 is true to the best of my own knowledge and believe as Applicant.

Verified and signed at Arusha this 15 day of August 2022

[Signature]
APPLICANT

20

Sworn at Arusha by the said **JOHN KAMBELEI PYANDO** who is known to me personally/identified to me by _____ the latter being known to me personally this _____ day of this 15 day of August 2022.

[Signature]
DEPONENT

30

BEFORE ME:

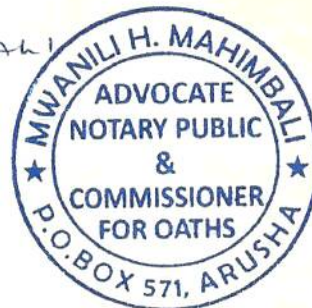
NAME:

ADDRESS:

QUALIFICATION:

SIGNATURE:

MWANILI H. MAHIMBALI
571 ARUSHA
COMMISSIONER FOR OATHS
[Signature]



40



DATED AT ARUSHA this ¹⁵..... Day of August 2022

For COUNSEL FOR APPLICANTS

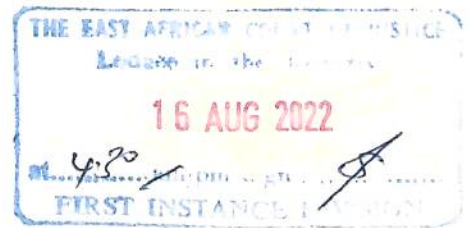
LODGED in the East African Court of Justice Registry at **ARUSHA**

This ¹⁶..... Day of ^{Aug}..... 2022

10



REGISTRAR



DRAWN AND FILED JOINTLY BY:

1. Mr. Donald Omondi Deya, Advocate,
Pan African Lawyers Union (PALU),
Number 3, Jandu Road, Corridor Area, Arusha,
Post Office Box Number 6065, Arusha,
Republic of Tanzania
And

2. Jebra Kambole (Advocate
Law Guards Advocates,
KINONDONI, Togo Tower, 2nd Floor, Manyanya Street,
P.O. Box 5413,
AR ES SALAAM

www.lawguards.co.tz
+255 784 334 032

And

3. Joseph Moses L. Oleshangay, Advocate
Legal and Human Rights Centre,
Arusha Legal Aid Unit,
P.O. Box 15243,
Arusha – Nairobi Road,
Plot 116/5 – Olosiva Area,
Arusha
joleshangay@humanrights.or.tz

FOR SERVICE UPON:

The Hon. Attorney General of United Republic of Tanzania
Attorney General's Chambers
Kivukoni Front
P.O. Box 9050
Dar es Salaam – TANZANIA

10

20

30

Wildlife Conservation (Pololeti Game Controlled Area)

GOVERNMENT NOTICE No. 421 published on 17/6/2022

THE WILDLIFE CONSERVATION ACT,

(CAP. 283)

ORDER

(Made under Section 16 (1))

THE WILDLIFE CONSERVATION (POLOLETI GAME CONTROLLED AREA)
ORDER, 2022

Citation

1. This Declaration may be cited as the Wildlife Conservation (Pololeti Game Controlled Area) (Declaration) Order, 2022.

Order

2. The area of general land within the limits and boundaries set out in the Schedule to this Order is hereby proposed to be declared as Pololeti Game Controlled Area.

SCHEDULE

(Made under paragraph 2)

AREA A:				
POLOLETI GAME CONTROLLED AREA SCHEDULE				
POINT	BEARINGS	DISTANCE (M)	NORTHINGS	EASTINGS
BP 24 (Commencing at Tanzania Kenya Interstate Boundary)			9813886.00	750891.00
	119°18'13"	5117.29		
PLGR-1			9811381.40	755353.47
	187°19'01"	11730.54		
PLGR-1A			9799746.38	753859.50
	187°19'01"	11730.54		
PLGR-2			9788111.37	752365.54
	163°07'31"	10415.52		
PLGR-2A			9778144.32	755388.95
	163°07'31"	10415.52		
PLGR-3			9768177.28	758412.35
	149°41'50"	8848.87		

Wildlife Conservation (Pololeti Game Controlled Area)

GN NO. 421 (Contd.)

PLGR-3A			9760537.42	762877.21
	149°41'50"	8848.86		
PLGR-4			9752897.56	767342.06
	193°31'40"	14229.43		
PLGR-5			9739062.91	764013.54
	178°35'28"	15465.97		
PLGR-6			9723601.62	764393.78
	205°28'02"	8070.8		
PLGR-7			9716315.03	760923.40
	296°25'59"	15446.37		
SNP-9			9723191.01	747091.87
	330°42'41"	13932.55		
SNP-8			9735342.52	740275.96
	70°45'18"	12227.45		
SNP-7 (At Grumechen Hill) ST4 1979			9739372.78	751820.11
	01°26'32"	5584.49		
PLGR-8 (Through Grumechen Plateau)			9744955.50	751960.67
	349°57'02"	2442.85		
PLGR-9			9747360.87	751534.41
	353°13'29"	7914.43		
PLGR-10 (At Sirkoiti Hill)			9755220.03	750600.71
	06°37'16"	4550.78		
PLGR-11 (At top of Olgugi Hill)			9759740.45	751125.44
	336°42'59"	13187.3		
PLGR-12 (At Longossa Hill)			9771853.75	745912.66
	06°56'44"	10362.61		
PLGR-13 (At Klombeti Hill)			9782140.31	747165.75
	06°56'44"	10362.61		
PLGR-14			9792426.87	748418.83
	06°58'06"	9607.53		
PLGR-15			9801963.44	749584.42
	06°58'06"	8565.03		
SNP-1 (On top of Kuka Hill- SKP 30)			9810469.99	750583.52
	05°08'36"	3429.82		
PB-24			9813886.00	750891.00
Area A= 1052.Sqkm				
Datum: Arc 1960				
Projection: Africa; UTM Zone 36S				
AREA B:				
POLOLETI GAME CONTROLLED AREA SCHEDULE				

Wildlife Conservation (Pololeti Game Controlled Area)

GN NO. 421 (Contd.)

PLGR-16(Point of commencement)			9703571.92	787185.16
	359°56'17"	8944.74		
PLGR-17			9712516.65	787175.48
	43°38'55"	4030.93		
PLGR-18			9715433.38	789957.77
	59°32'54"	7918.17		
PLGR-19			9719446.39	796783.69
	110°28'32"	12251.6		
PLGR-20			9715160.68	808261.25
	180°07'32"	4126.5		
PLGR-21			9711034.20	808252.21
	101°46'14"	5529.26		
PLGR-22			9709906.27	813665.20
	186°27'03"	4713.11		
PLGR-23			9705223.00	813135.69
	161°04'25"	2283.17		
PLGR-24			9703063.27	813876.25
	220°56'05"	8633.76		
PLGR-25			9696540.83	808219.43
	187°23'15"	3469.27		
PLGR-26			9693100.35	807773.36
	296°57'32"	12638.6		
PLGR-27			9698830.05	796508.16
	296°57'32"	10459.62		
PLGR-16 (Point of Commencement)			9703571.92	787185.16
Area B= 450.00Sqkm				
Datum: Arc 1960				
Projection: Africa; UTM Zone 36S				

BOUNDARY DESCRIPTION FOR AN AREA A

Commencing at Interstate boundary between Tanzania and Kenya at (Boundary Pillar) **BP- 24 (9813886.00N,750891.00E)**, the boundary follows South-Easterly direction for a distance of 5117.29m to beacon **PLGR1(9811381.40N,755353.47E)**, thence in a South direction for a distance of 11730.54m to beacon **PLGR1A (9799746.38N,753859.50E)**, thence in the same direction for a distance of 11730.54m to beacon **PLGR2 (9788111.37N, 752365.54E)**,thence in Southerly direction for a distance of 10415.52m to beacon **PLGR2A (9778144.32N,755388.95E)**, thence in the same direction for a distance of 10415.52m to beacon **PLGR3(9768177.28N, 758412.35E)**, thence in South-Easterly direction for a distance of 8848.87m to beacon **PLGR3A(9760537.42N,762877.21E)**, thence in the same direction for a distance of 8848.86m to beacon **PLGR4 (9752897.56N,767342.06E)**, thence in the Southerly direction for a distance of 14229.43m to beacon **PLGR5 (9739062.91N, 764013.54E)**, thence in a Southerly direction for a distance of 15465.97m to beacon **PLGR6 (9723601.62N, 764393.78E)**, thence in a South- Westerly direction for a distance of 8070.80m to beacon **PLGR7(9716315.03N, 760923.40E)**, thence in North Westerly direction for a distance of 15446.37m to beacon **SNP9(9723191.01N,747091.87E)** (Eastern Side of Serengeti National Park boundary), thence in Northerly direction for a distance of 13932.55m to beacon **SNP8 (9735342.52N, 740275.96E)**, thence in Easterly direction for a distance of 12227.45m to beacon **SNP7 (9739372.78N, 751820.11E)** situated to

GN NO. 421 (Contd.)

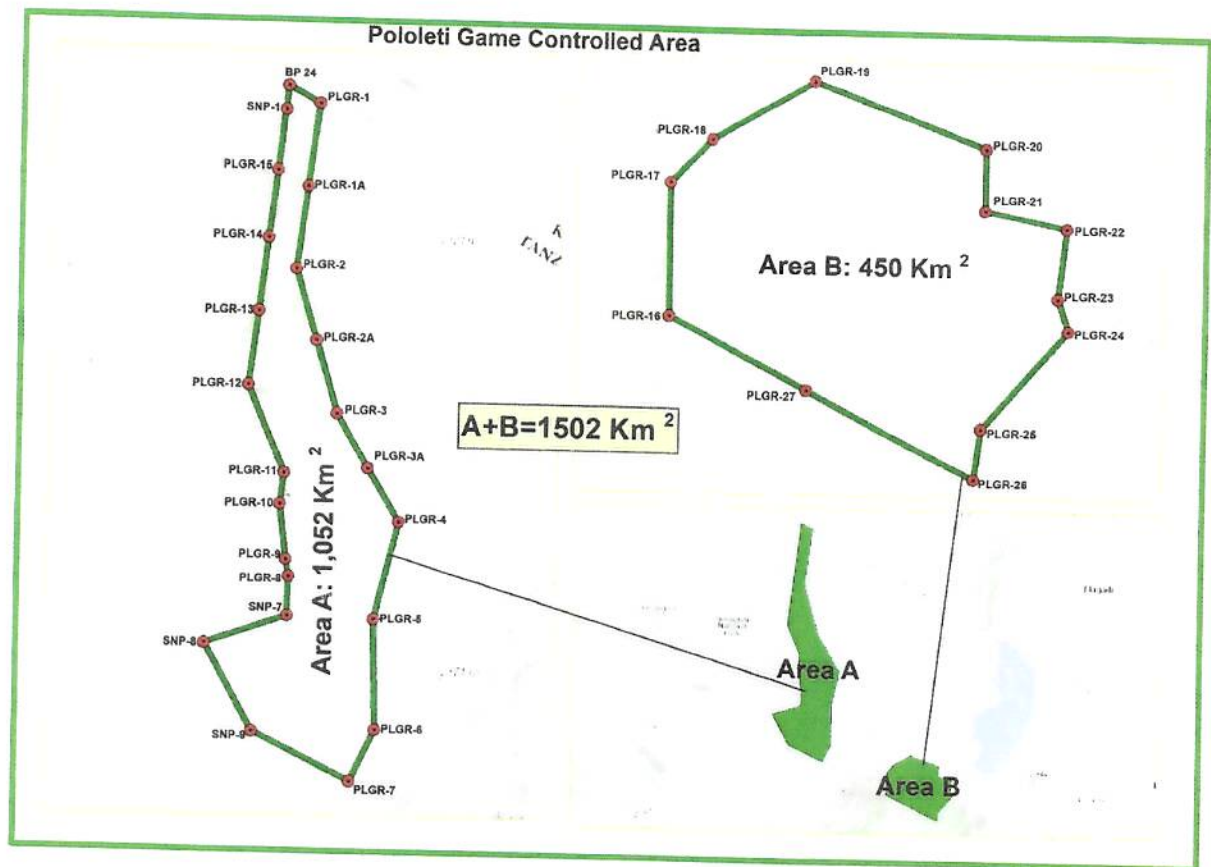
Grumechen Hill- ST4 1979, thence following the summit of Grumechen Hill in North direction for a distance of 5584.49m to beacon **PLGR8** (9744955.50N, 751960.67E), thence in Northerly direction for a distance of 2442.85m to beacon **PLGR9** (9747360.87N, 751534.41E), thence in Northerly direction for a distance of 7914.43m to beacon **PLGR10** (9755220.03N, 750600.71E) situated at the summit of Sirkoiti Hill, thence in Northerly direction for a distance of 4550.78m to beacon **PLGR11** (9759740.45N, 751125.44E) at the top of Olugugi Hill, thence in a Northerly direction for a distance of 13187.30m to beacon **PLGR12** (9771853.75N, 745912.66E) situated at Longosa Hill, thence a Northerly direction for a distance of 10362.61m to beacon **PLGR13** (9782140.31, 747165.75) situated at Klombeti Hill, thence in the same direction for a distance of 10362.61m to beacon **PLGR14** (9792426.87N, 748418.83E), thence in Northerly direction for a distance of 9607.53m to beacon **PLGR15** (9801963.44N, 749584.42E), thence in the same direction for a distance of 8565.03m to a beacon **SNP1** (9810469.99N, 750583.52E) situated at the top of Kuka Hill-SKP30, thence in Northerly direction for a distance of 3429.82m to Tanzania - Kenya boarder at beacon **BP24** (9813886.00N, 750891.00E) the point of commencement.

BOUNDARY DESCRIPTION FOR AN AREA B

Commencing at the Northern Boundary of Ngorongoro Conservation Area to beacon **PLGR16** (9703571.92N, 787185.16E), thence Due North direction for a distance of 8944.74m to beacon **PLGR17** (9712516.65N, 787175.48E), thence in North Easterly direction for a distance of 4030.93m to beacon **PLGR18** (9715433.38N, 789957.77), thence in North Easterly direction for a distance of 7918.17m to beacon **PLGR19** (9719446.39N, 796783.69E), thence in South-Easterly direction for a distance of 12251.60m to beacon **PLGR20** (9715160.68N, 808261.25E), thence in Due South for a distance of 4126.5m to beacon **PLGR21** (9711034.20N, 808252.21E), thence in Southerly direction for a distance of 5529.26m to beacon **PLGR22** (9709906.27N, 813665.20E), thence in Southerly direction for a distance of 4713.11m to beacon **PLGR23** (9705223.00N, 813135.69E), thence in the South- Easterly direction for a distance of 2283.17m to beacon **PLGR24** (9703063.27N, 813876.25E), thence in a South- Westerly direction for a distance of 8633.76m to beacon **PLGR25** (9696540.83N, 808219.43E), thence in a Southerly direction for a distance of 3469.27m to beacon **PLGR26** (9693100.35N, 807773.36E) situated at North Easterly boundary of Ngorongoro Conservation Area, thence in North Westerly direction following the boundary of Ngorongoro Conservation Area for a distance of 12638.60m to beacon **PLGR27** (9698830.05N, 796508.16E), thence following the same direction in the said boundary for a distance of 10459.62m to **PLGR16** (9703571.92N, 787185.16E) point of commencement.

Wildlife Conservation (Pololeti Game Controlled Area)

GN NO. 421 (Contd.)



Dodoma,
10th June, 2022,

PINDI H. CHANA
Minister for Natural Resources and Tourism

IN THE RESIDENT MAGISTRATE'S COURT OF ARUSHA
AT ARUSHA

PRELIMINARY INQUIRY NO. ...11... OF 2022

REPUBLIC

VERSUS

1. MOLONGO DANIEL PASCHAL
2. ALBERT KISEYA SELEMBO
3. SIMELI S/O PARMWATI @ KARONGOI
4. LEKAYOKO S/O PARMWATI @ SIRIKOTI
5. SAPATI S/O PARMWATI @ SIRIKOTI - - - - 10
6. INGOI S/O OLKEDENYI KANJWEL
7. SANGAU S/O MORONGETI @ NGIMINISI
8. MORIJOI NGOISA PARMATI
9. MORONGETI MEEKI @ MASAKO
10. KAMBATAI LULU
11. MOLOIMETI S/O YOHANA @ SAING'EU
12. NDIRANGO S/O SENGE LAIZER
13. JOEL S/O CLEMES LESSONU
14. SIMONI NAIRIAM OROSIKIRIA
15. DAMIANI RAGO LAIZA - - - - 20
16. MATHEW S/O ELIAKIMU @ SILOMA
17. LUKA S/O KURSAS @ NJAUSI
18. TALENG'O W/O TWAMBEI LESHOKO
19. KIJOOLOU D/O KAKEYA @ OLOJILOJI
20. SHENGENA JOSEPH KILLEL
21. KELVIN SHASO NAIROTI
22. LEKERENGA S/O KOYEE @ ORODO
23. FRED S/O VICTOR @ LEDIDI
24. WILSON S/O TIUWA KILONG
25. JAMES S/O MEMUSI TAKI - - - - 30
26. SIMON S/O ~~KURINDATI~~ SAITOTI
27. JOSEPH MELUBO JARITAN LUKUMAY

CHARGE

1ST COUNT

STATEMENT OF OFFENCE

CONSPIRACY TO MURDER; Contrary to Sections 215 of the Penal Code, [Cap. 16 R.E, 2019].

PARTICULARS OF OFFENCE

MOLONGO DANIEL PASCHAL, ALBERT KISEYA SELEMBO, SIMELI S/O PARMWATI @ KARONGOI, LEKAYOKO S/O PARMWATI @ SIRIKOTI, SAPATI S/O PARMWATI @ SIRIKOTI, INGOI S/O OLKEDENYI KANJWEL, SANGAU S/O MORONGETI @ NGIMINISI, MORIOI NGOISA PARMATI, MORONGETI MEEKI @ MASAKO, KAMBATAI LULU, MOLOIMETI S/O YOHANA @ SAING'EU, NDIRANGO S/O SENGE LAIZER, JOEL S/O CLEMES LESSONU, SIMONI NAIRIAM OROSIKIRIA, DAMIANI RAGO LAIZA, MATHEW S/O ELIAKIMU @ SILOMA, LUKA S/O KURSAS @ NJAUSI, TALENG'O W/O TWAMBEI LESHOKO, KIJOO LU D/O KAKEYA @ OLOJILLOJI, SHENGENA JOSEPH KILLEL, KELVIN SHASHO NAIROTI, LEKERENGA S/O KOYEE @ ORODO, FRED S/O VICTOR @ LEDIDI, WILSON S/O TIUWA KILONG, JAMES S/O MEMUSI TAKI, SIMON S/O MURINDATI SAITOTI and JOSEPH MELUBO JARITAN LUKUMAY, on unknown date, place and time within Ngorongoro District and Region of Arusha, jointly and together did conspire to murder Government officials and Police Officers who participate in the exercise of marking boundaries at Loliondo Game Reserve.

2nd COUNT


STATEMENT OF OFFENCE

MURDER; Contrary to Section 196 of the Penal Code, [Cap. 16 R. E. 2019].

PARTICULARS OF OFFENCE

MOLONGO DANIEL PASCHAL, ALBERT KISEYA SELEMBO, SIMELI S/O - 20
PARMWATI @ KARONGOI, LEKAYOKO S/O PARMWATI @ SIRIKOTI, SAPATI S/O
PARMWATI @ SIRIKOTI, INGOI S/O OLKEDENYI KANJWEL, SANGAU S/O
MORONGETI @ NGIMINISI, MORIOI NGOISA PARMATI, MORONGETI MEEKI @
MASAKO, KAMBATAI LULU, MOLOIMETI S/O YOHANA @ SAING'EU, NDIRANGO
S/O SENGE LAIZER, JOEL S/O CLEMES LESSONU, SIMONI NAIRIAM OROSIKIRIA,
DAMIANI RAGO LAIZA, MATHEW S/O ELIAKIMU @ SILOMA, LUKA S/O KURSAS @
NJAUSI, TALENG'O W/O TWAMBEI LESHOKO, KIJOO LU D/O KAKEYA @
OLOJILLOJI, SHENGENA JOSEPH KILLEL, KELVIN SHASHO NAIROTI, LEKERENGA
S/O KOYEE @ ORODO, FRED S/O VICTOR @ LEDIDI, WILSON S/O TIUWA KILONG
and JAMES S/O MEMUSI TAKI, SIMON S/O MURINDATI SAITOTI and JOSEPH
MELUBO JARITAN LUKUMAY, on the 10th day of June, 2022 at Selo area,
Ololosokwani Village within Ngorongoro District and Region of Arusha, with malice
aforethought did cause the death of one G.4200 CPL GARLUS MWITA GARLUS. - 30

Signed at Arusha this 11 day of JULY 2022.


STATE ATTORNEY

PARTIAL LIST OF THE AGGRIEVED PERSONS

- 1 Name Malongo Daniel Paschal
Age 21 years
Tribe Mmasai
Religion Christian
Occupation Peasant
Residence Ololosokwani
Mobile No 0788 492463
- 2 Name Albert Kiseya Selembo
Age 37 years
Tribe Mmasai
Religion Christian
Occupation Peasant
Residence Soitisambu
Mobile No 0688 088801
- 3 Name Simeli s/o Parmwati @ Karongoi
Age 19 years
Tribe Mmasai
Religion Christian
Occupation Student
Residence Ololosokwani
- 4 Name Lekayoko s/o Parmwat @ Sirkoti
Age 21 years
Tribe Mmasai
Religion Pagan
Occupation Peasant
Residence Ololosokwani

STATE ATTORNEY

5 Name Sapati s/o Parmwat @ Sinkoti
Age 30 years
Tribe Mmasai
Religion Christian
Occupation Peasant
Residence Ololosokwan

6 Name Ingoi s/o Olkedenyi Kanjwel
Age 20 years
Tribe Mmasai
Religion: Christian
Occupation: Peasant
Residence: Soitisambu

- 10

7 Name: Sangau s/o Morongeti @ Ngiminisi
Age. ____ years
Tribe: Mmasai
Religion: Pagan
Occupation: Peasant
Residence: Soitisambu

8 Name: Morijoi Ngoisa Parmati
Age 20 years
Tribe: Mmasai
Religion: Christian
Occupation: Peasant
Residence: Ololosokwan
Mobile No 0687242589

- 20


STATE ATTORNEY

9. Name: Morongeti Meeki @ Masako
Age: ____ years
Tribe: Mmasai
Religion: Pagan
Occupation: Peasant
Residence: Ololosokwani

10. Name: Kambatai Lulu
Age: 40 years
Tribe: Mmasai
Religion: Christian
Occupation: Peasant
Residence: Ololosokwani

11. Name: Moloimeti s/o Yohana @ Saing'eu
Age: 37 years
Tribe: Mmasai
Religion: Christian
Occupation: Peasant
Residence: Ololosokwani
Mobile No: 0688 696001

12. Name: Ndirango s/o Senge Laiza
Age: 52 years
Tribe: Mmasai
Religion: Christian
Occupation: Peasant
Residence: Orgosorok
Mobile No: 0742 429974


STATE ATTORNEY

13. Name: Josephine Njoroge Mwangi
 Age: 54 years
 Tribe: Kikuyu
 Religion: Catholic
 Occupation: Peasant
 Residence: Mambur
 Mobile No: 0776 76445

14. Name: Simon Njoroge Njoroge
 Age: 59 years
 Tribe: Masai
 Religion: Christian
 Occupation: Peasant
 Residence: Piyaya
 Mobile No: 0687 651312

- 1 C

15. Name: Damiani Rago Laiza
 Age: 42 years
 Tribe: Masai
 Religion: Christian
 Occupation: Peasant
 Residence: Makor
 Mobile No: 0755 575916

- 2 C

16. Name: Mathew Sio Erakimu @ Sio Sio
 Age: 47 years
 Tribe: Masai
 Religion: Christian
 Occupation: Peasant
 Residence: Akasi
 Mobile No: 0649 9999

17. Name: Luka s/o Kursas @ Njausi
Age: 49 years
Tribe: Masai
Religion: Christian
Occupation: "Diwani"
Residence: Oloipili
Mobile No: 0782 964420
18. Name: Taleng'o w/o Twambei Leshoko
Age: 37 years
Tribe: Masai
Religion: Christian
Occupation: Peasant
Residence: Oloipili
Mobile No: 0787 931228
19. Name: Kijoolu d/o Kakeya @ Olojiloji
Age: 56 years
Tribe: Masai
Religion: Christian
Occupation: Peasant
Residence: Piyaya
Mobile No: 0786 931056
20. Name: Shengena Joseph Killel
Age: 34 years
Tribe: Masai
Religion: Christian
Occupation: Peasant
Residence: Lopolu
Mobile No: 0762 223732

- 10

- 20


STATE ATTORNEY

21. Name: Kelvin Shasho Nairobi
Age: 33 years
Tribe: Masai
Religion: Christian
Occupation: Pastoralist
Residence: Ololosokwan
Mobile No: 0685319581
22. Name: Lekerenga s/o Koyee @ orodo
Age: 68 years
Tribe: Masai
Religion: Christian
Occupation: Pastoralist
Residence: Orolieni
23. Name: Fred s/o Victor @ Ledidi
Age: 39 years
Tribe: Masai
Religion: Christian
Occupation: "Mhifadhi"
Residence: Orgosorok
Mobile No: 0620152577
24. Name: Wilson s/o Tiuwa Kilong
Age: 32 years
Tribe: Masai
Religion: Pagan
Occupation: Tour Guide
Residence: Olosokwan
25. Name: James s/o Memusi Taki
Age: 28 years
Tribe: Masai
Religion: Christian
Occupation: Pastoralist
Residence: Njoro

- 10

- 20

- 30


.....
STATE ATTORNEY

26. Name: Simon s/o Murindati Saitoti
Age: 41 years
Tribe: Masai
Religion: Christian
Occupation: "Diwani"
Residence: Ngorongoro
Mobile No: 0787 082082

27. Name: Joseph Melubo Jartan Lukumay
Age: 36 years
Tribe: Masai
Religion: Christian
Occupation: Pastoralist
Residence: Ng'arwa
Mobile No: 0767369867/0622252802


STATE ATTORNEY