

Thursday 31^s May 2018

Advance via electronic mail; printed and signed copy to be promptly filed in Court

Hon. Lady Justice Monica Kalyegira Mugenyi
Principal Judge
East African Court of Justice (EACJ) – 1st Instance Division

Through:

Hon. Mr. Yufnalis Ndege Okubo
 Registrar
 East African Court of Justice (EACJ)
 East African Community (EAC) Headquarters
Barabara ya Afrika Mashariki
 Arusha, Tanzania

Dear Honourable Principal Judge,

URGENT LETTER SEEKING INTERIM MEASURES

Under Rule 1(2) of the East African Court of Justice Rules of Procedure (2013)

In EACJ Reference No. 10 of 2017 and Application No. 15 of 2017: Ololosokwan Village Council and 3 Others versus The Attorney General of the United Republic of Tanzania

I write to this Honourable Court seeking the following urgent interim measures: -

1. An **urgent Interim Order** from the Court addressed to the Attorney General of the United Republic of Tanzania, as the Chief Legal Representative of the Respondent State, to direct the Inspector General of Police and officers subordinate to him to cease and desist from harassing, intimidating or otherwise approaching or engaging the Applicants in this case, pending the hearing of Application No. 15 of 2017, which this Honourable Court has scheduled for **Thursday 7th June 2018**.
2. A **Summons** from the Court to the Officer Commanding Police District of Loliondo (OCD Loliondo) to present himself in Court on the above-mentioned Hearing of **Thursday 7th June 2018**, for purposes of explaining to the Court the measures and actions that he and his Officers have taken, with regard to matters at issue in the abovementioned Reference No. 10 of 2017 and Application No. 15 of 2017

I am Lead Counsel, leading a team of lawyers representing the Applicants in the above matter, i.e.

1. Ololosokwan Village Council..... 1^s Applicant
2. Oloirien Village Council..... 2^d Applicant
3. Kirtalo Village Council 3^d Applicant



4. Arash Village Council 4 Applicant

I have received numerous complaints via correspondence, telephone calls and visits from several leaders and members of the community from the above villages (whom I will, hereafter simply refer to as 'the Applicants'), whereby they state that:

1. From Friday 18 May 2018 to date, the Applicants have been severely harassed and intimidated by the Officer Commanding Police District of Loliondo (OCD Loliondo), and several Police Officers working under him.
2. The Applicants have received multiple formal and informal Summons to present themselves to the Police, which they have heeded. This has affected at least seven (7) individuals from the four Applicant villages.
3. The Applicants have been detained and interrogated in threatening and intimidating circumstances. Some have been detained overnight or for multiple days. Some are still detained at the time of writing this Letter.
4. The main lines of questioning of the Police Officers are: -
 - a. Who gave the Applicants the authority to sue the Government in the instant Reference and attendant Applications?
 - b. Where do the Applicants draw the legal mandate (*locus standi*) to sue the Government as aforementioned?
 - c. Under what circumstances and with whose authority did the Applicants obtain the signatures that underpin the litigation?
 - d. Where are the Minutes of meetings authorising the aforementioned litigation?
 - e. Who is supporting the Applicants, both within and outside the Respondent State?

The Police have demanded that the Applicants withdraw the case and that signatories to the Minutes of meetings of the Applicant villages that authorized the instant litigation to withdraw their signatures or to state that they did not sign the said Minutes.

The above intimidating measures and actions have caused consternation, fear and despondency amongst members of the Applicant community and disrupted their fragile peace. Indeed it is reported that some ordinary village women and men from the four Applicant villages have, out of fear, conceded to the Police that they have withdrawn their support and/ or authorization for the instant litigation.

Whereas parties before this Court, as before any other Court, are entitled to explore out-of-court possibilities of resolving the matters in issue, where such parties are represented, such negotiations can **only** be carried out by their Counsel on record, usually on a "without prejudice" basis. **Negotiations or offers, if any, ought to have emanated from the Office of the Attorney General to Counsel on record for the Applicants!** In the above circumstances, the measures and actions by the Officer Commanding Police District of Loliondo (OCD Loliondo) and Police Officers working under him, which actions are on-going, are unlawful and violative the rights of the leaders and members of the four (4) Applicant villages. They are overtly calculated to interfere with the Reference No. 10 of 2017 and Application No. 15 of 2017, and especially the latter Application, which this Honourable Court has scheduled for



Hearing next Thursday 7 June 2018. Unless stopped, they will have the effect of defeating the ends of justice and abusing the process of this Court in the instant Reference and attendant Applications.

Based on the above, we seek the following urgent Interim Measures from this Honourable Court: -

1. An **urgent Interim Order** from the Court addressed to the Attorney General of the United Republic of Tanzania, as the Chief Legal Representative of the Respondent State, to direct the Inspector General of Police and officers subordinate to him to cease and desist from harassing, intimidating or otherwise approaching or engaging the Applicants in this case, pending the hearing of Application No. 15 of 2017, which this Honourable Court has scheduled for **Thursday 7th June 2018**.
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Yours sincerely,

Donald Deya, Advocate
Chief Executive Officer, Pan African Lawyers Union (PALU)

cc Hon. Justice Dr. Emmanuel Ugirashebuja
President
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❖ *Counsel having conduct of the case, on behalf of the Attorney General (the Respondent)*

Fellow Counsel for the Applicants

Officer Commanding Police District of Loliondo (OCD Loliondo)

Loliondo

PALU