



Pan African Lawyers Union
Union Panafricaine des Avocats
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اتحاد المحامين الأفارقة



PRESS RELEASE – IMMEDIATE RELEASE

Maasai Communities Vindicated by the Appellate Court

****The Court Orders a Re-Trial, with Costs**

November 29th, 2023, Arusha, United Republic of Tanzania: In **Appeal No. 13 of 2022: Ololosakwan Village Council and 3 Others vs Attorney General of the United Republic of Tanzania**, the Appellants have secured a resounding win in the Appellate Division of the East African Court of Justice (EACJ), marking a significant milestone in the court's jurisprudence and a triumph in a prolonged and closely watched legal dispute.

The case centred around the rights of the Maasai community over their village land and the continuous actions by the government to evict them. After exhaustive deliberation and consideration of the evidence, the court ultimately sided with the Appellants, recognizing the merits and validity of their position, and further granting costs to the Appellants in relation to the proceedings of both the Appeal and the 1st Instance Division.

The Appellants, represented by a team composed of the Pan African Lawyers Union, Jebra Kambole and Joseph Oleshangay, displayed unwavering dedication and legal acumen throughout the proceedings. Without forgetting immense perseverance and commitment to justice towards this landmark victory which has been long overdue.

Filed in 2017, the case against Tanzania alleged various violations of the EAC Treaty was under deliberation for almost 5 years before its judgement on 30th September 2022. Prior to receiving the judgement, on 21st January 2022, the Appellants filed Application No. 15 of 2017, where the 1st Instance Division granted provisional orders for an injunction against the Respondent.

The Appellate Division sided decisively with the Appellants today in a judgement that underscores that the 1st Instance Division erred on points of law by failing to examine and consider evidence in support of the Reference, namely the affidavits/evidence brought by the Appellants including the expert witness report; and erred on a point of law by applying the standard of proof other than the balance of probability.

The Appellate Division ordered to remit to the 1st instance division the case to be adjudicated *de novo* in accordance with the applicable laws and determine the following three issues:

- i. Whether the eviction was conducted in Serengeti National Park or their respective villages
- ii. Whether the acts, omissions, and conduct of the Respondent violated the EAC Treaty
- iii. The remedies the parties are entitled to.

The judgement not only acknowledges the injustice occasioned to the Appellants, but it also upholds the rights of the Appellants and sets a powerful precedent for future cases on the issue of standard of proof at the EACJ and the duty of the Court to examine all evidence brought before it.



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Notes to Editors:

The Pan African Lawyers Union (PALU) is the premier continental membership forum of and for African lawyers and lawyers' associations in Africa. It was founded in 2002 by African Bar leaders and eminent lawyers, to reflect the aspirations and concerns of the African people and to promote and defend their shared interests. Its membership comprises of the continent's over five regional lawyers' associations (RLAs), over 54 national lawyers' associations (NLAs) and over 1,000 individual lawyers spread across Africa and in the Diaspora, working together to advance the law and the legal profession, rule of law, good governance, human and peoples' rights and socio-economic development of the African continent