

TANZANIA / JUDGMENT

ECONOMIC CASE NO 12209 OF 2024 JOSHUA MSILA

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1 January 2024

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA CORRUPTION AND ECONOMIC
CRIMES DIVISION AT ARUSHA SUB-REGISTRY ECONOMIC CASE NO. 12209 OF 2024 THE
REPUBLIC VERSUS JOSHUA MSILA KILOSO @ JOSHUA AKWII MSILA

JUDGMENT

10th and 18th October, 2024 BANZI, J.: The accused person, Joshua Msila Kiloso @ Joshua Akwii Msila stands charged with the offence of trafficking in narcotic drugs contrary to section 15 (1) (a) and (3) (iii) of the Drug Control and Enforcement Act [Cap. 95 R.E. 2019] ("the Drugs Act) as amended by section 18 of the Written Laws (Miscellaneous Amendments) (No.5) Act of 2021, read together with paragraph 23 of the First Schedule to, and sections 57 (1) and 60 (2) of the Economic and Organised Crime Control Act [Cap. 200 R.E. 2022] ("the EOCCA"). It is alleged in the information that, on the 6th day of June, 2023, at Losinoni Juu village, within Arumeru District, in Arusha Region, the accused person was found trafficking in narcotic drugs namely Cannabis sativa Page 1 of 23 commonly known as Bhangiweighing 275.0 kilograms. The accused person denied the charge and proclaimed his innocence throughout the trial. In a bid to prove the case against the accused person, the prosecution side through Mr. Mseley Mfinanga learned Senior State Attorney and Amanda Lushakuzi, learned State Attorney called in a total of Five (5) witnesses and tendered seven (7) exhibits. On the other hand, the accused person under the services of Mr. Zuberi Ngawa, learned Advocate, testified under oath as the sole witness for defence. In an attempt to impeach the credibility of Itikija Theoflo Nguvava (PW4) he, tendered his previous statement as Exhibit DI. In the main, the body of evidence by the prosecution reveals that, on the 6th day of June, 2023, Selemani Mbwambo (PW2) received information from his superior one SP Mteweale who had received it from an informant that, there was a person Joshua Akwii Msila involving in trafficking narcotic drugs namely Cannabis sativa in a village called Losinoni Juu within Arumeru District. Upon receiving such information, together with his colleagues he went to the office and procured a search warrant for purpose of conducting search into the house of the accused person. They headed to Losinoni led by the informant. On arrival, the informant showed them the house of the suspected person and surrounded it while PW2 went to procure an Page 2 of 23 independent witness and managed to get one Hassan Mohamed (PW5). Thereafter, SP Mteweale knocked the door of the said house and a male voice replied. They

then ordered him to get out and the accused person was introduced to PW2, SP Mtewele and PW5. The accused person introduced himself to them by the name of Joshua Akwii Msila. PW2 informed the accused person the purpose of their visit and showed him the search warrant. Before entering inside the house, PW2 and SP Mtewele inspected themselves in the presence of an independent witness and the accused person. Led by the accused person PW2, SP Mtewele and the independent witness entered inside one-bedroom circular house. In the middle of that room near the bed they manage to find sulphate bags containing dry leaves suspected to be narcotic drugs. PW2 inquire about ownership of the sulphate bags and the accused person admitted to own them. PW2 counted the said bags and got 11 sulphate bags. A certificate of seizure (Exhibit P3) was filled in which was signed by all who witnessed the search including the accused person who endorsed his thumb print as he claimed that, he was illiterate. Upon signing the certificate of seizure, the sulphate bags were labelled by PW2 by writing Al up All and also wrote the name of the accused person on each sulphate bag. PW2 opened a case file with Ref. No. DCEA/AR/IR/19/2023. This evidence was Page 3 of 23 corroborated by the evidence of an independent witness one Hassan Mohamed (PW5) who testified before the court that, on the said day he was at Losinoni Juu village looking for livestock to buy that is when he met PW2 who asked him to go and witnessed the search conducted in accused person's house. They then took out those 11 sulphate bags containing dry leaves and put them under the tree outside the house together with the accused person. PW2 communicated with his superior informing him the challenges of transporting and storage of the exhibits and asked him to communicate with the chemist and other stakeholders including; State Attorney and the Magistrate to come to the scene of crime for other disposal procedures. After they all arrived, PW2 filled in form DCEA 001 (Exhibit P4) and handed over 11 sulphate bags containing leaves suspected to be narcotic drugs to the Chemist one Eliuthery Andrew Hhary (PW3) who according to his evidence, he received 11 sulphate bags full of dry leaves. After receiving the exhibits, he registered them by Lab No. NZ023-00606. He weighed each sulphate bag and got a total of 275.0 kilograms after weighing, he drew samples from each bag and conducted a preliminary test on the samples he drew and the results showed the leaves were narcotic drugs known as Page 4 of 23 Cannabis sativa. After completing the process, PW3 labelled all the bags with laboratory number, signed and handed over to PW2. After that process, PW2 filled in an Inventory Form DCEA 006 (Exhibit P5) and asked the State Attorney to submit to the Magistrate, Hon. Itikija Theoflo Nguvava (PW4) for purpose of applying for disposal order. According to PW4, before issuing the disposal order, he asked the accused person if he had any objection and the accused replied he had no objection. Thereafter, PW4 issued the disposal order orally that, the exhibits should be destroyed by fire in the presence of accused person and then recorded the order and signed in Exhibit P5. After completion, PW2 took all 11 sulphate bags, poured down the leaves which were then confirmed to be narcotic drugs by the Chemist and destroyed them. The exercise was witnessed by PW2, PW3, PW4, PW5, State Attorney one Philbert Msuya and the accused person. Thereafter the certificate of destruction (Exhibit P6) was duly prepared and signed which indicate that a total of 274.34 kilograms were destroyed. According to the evidence of A/Insp. Innocent Masangula (PW1) the exhibit keeper, the 11 empty sulphate bags (Exhibit P1) were handed over to him by PW2 through PF16 which was not admitted in court as an exhibit because it was not read and listed during the

committal proceedings. Page 5 of 23 On the other hand, PW3 conducted laboratory analysis on the samples he drew. He conducted the confirmatory test through the machine called Microscope. After analysis, the leaves from each sample were confirmed as narcotic drugs, namely Cannabis sativa after being found with hairlike structure called Trichomes which are only found in cannabis plant. After getting the results, on 08/06/2023, he prepared analysis report which was approved by his superior one Erasto Laurence. The report was admitted as Exhibit P7. In his defence, the accused person came up with a general denial and defence of alibi. He categorically denied to have committed the alleged offence. He further denied to be arrested at the crime scene that is the house in Lesinoni Juu Village which was searched and found with the narcotic drugs question. He also denied to be called Joshua Akwii Msila claiming that, his name is Joshua Msila Kiloso. According to his testimony, on 27th May 2023 while at Ngaramtoni market selling potatoes and avocados as he is a small vendor, he was arrested by persons who were on civilian attire and was taken to KIA police station where he stayed for three weeks and a half. Thereafter, they took him to Boma police station where he stayed for two days and then he was shifted to central police in Arusha. He stayed in lock up until 15th June, 2023 when he was arraigned to court and was charged Page 6 of 23 with trafficking in narcotic drugs by the name of Joshua Msila Kiloso. He claimed to have signed Exhibit P3 and P5 while at the central police station, claiming that, he was told they were his bail papers. He finally prayed to be acquitted as he did not commit the alleged offence. In a nutshell, that was the evidence of the prosecution and defence side. Having considered the evidence of both sides, the main issue before the Court for consideration is whether the prosecution side has managed to prove the case against the accused person beyond reasonable doubt. It is worthwhile noting here that, according to section 3 (2) (a) of the Evidence Act [Cap. 6 R.E. 2022], in criminal matters, a fact is said to be proved when the Court is satisfied by the prosecution beyond reasonable doubt that such fact exists. That is to say, the guilt of the accused person must be established beyond reasonable doubt. It is cardinal principle that, the burden of proof lies with the prosecution except where any statute or other law provides otherwise such as section 28 (1) of the Drugs Act which imposes a duty to the accused person to prove that the possession, dealing in, trafficking, selling, cultivation, purchasing, using or financing is in accordance with the license or permit granted under the Drugs Act. However, it is settled law that, when the burden shifts to the accused person, the standard of proof is on balance of probabilities. See the case of Said Hemed Page 7 of 23

- v. Republic [1987] TLR 117. In that regard, and according to the principles underscored above, it is the duty of the prosecution to prove beyond reasonable doubt that the accused person trafficked 275.0 kilograms of Cannabis sativa as alleged in the information. Throughout the trial, the prosecution side was optimistic that, a total of eleven sulphate bags containing dry leaves suspected to be narcotic drugs were seized from the accused person in his house. The seizure was executed by PW2 in the presence of independent witness, Hassan Mohamed (PW5). They were also optimistic that, the dry leaves in eleven sulphate bags weighing 275.0 kilograms were analysed by the government Chemist, Eliuther Andrew Hhary (PW5) who confirmed to be narcotic drugs namely Cannabis sativa and were finally disposed of in accordance with the dictates of the law. They tendered inventory form (Exhibit P5) in lieu of

the leaves confirmed to be narcotic drugs. On the other hand, the accused person denied any involvement in the alleged charge claiming not to be at the crime scene on the date of the incident. In the view thereof, and basing on the evidence on record, the determination of the main issue depends on the following specific issues; one, whether eleven sulphate bags containing dry leaves were retrieved from the accused person; two, whether the leaves in question were narcotic drugs; three, whether the leaves in question were Page 8 of 23 legally disposed and four, whether the chain of custody was properly maintained.

Essentially, there is direct evidence presented by the prosecution to prove the information leveled against the accused person. To start with PW2, it was his evidence that, on 6th June, 2023, they arrested the accused person at his house which is located at Lesinoni Juu Village within Arumeru District in Arusha Region, where they conducted search in the said house and managed to seize eleven (11) sulphate bags with dry leaves suspected to be narcotic drugs. The arrest, search and seizure were conducted before an independent witness, PW5 who was procured while he was at the said village on his normal course of business. The search was conducted through the search order (Exhibit P2) issued by Commissioner General of the DCEA pursuant to section 32A of the Drugs Act, soon after they received information from the informant about the allegation against the accused person. The seizure was documented in a certificate of seizure (Exhibit P3) which was filled immediately after the seizure and was signed by PW2, PW5 and also the accused appended his thumb print. This was also corroborated by the evidence of PW5, independent witness who testified to the effect that, he was present from when the accused person was apprehended in his house at Lesinoni Juu village and he witnessed the accused's house being Page 9 of 23 searched where eleven sulphate bags full of dry leaves were retrieved. He also signed certificate (Exhibit P3) which listed seized items. Arrest, search and seizure would equally sound convincing if would be analysed together with credibility and reliability of witnesses. It should be noted that credibility of witnesses is determined by looking at the demeanor of the witnesses and coherence of their testimonies. Refer to the case of Raphael Ideje @ Mwanahapa v. The Director of Public Prosecutions (Criminal Appeal No. 230 of 2019) [2022] TZCA 71 TanzLII. Now throughout the trial, there is no point when PW2 and PW5 failed to answer questions posed to them, or failed to give rational answers, above all their testimonies were coherent to marshal not only credibility and reliability but also entitled to be believed. It is settled law that, witnesses are entitled to credence and their testimonies must be believed unless there are good and cogent reasons for questioning their credibility as stated in the case of Goodluck Kyando

- v. Republic [2006] TLR 363. In the matter at hand, for the reasons advanced above it is my strong view that, PW2 and PW5 are credible witnesses and therefore, I find them reliable witnesses and their evidence is truthful concerning 11 sulphate bags of dry leaves were retrieved from the accused person. I am aware that, the prosecution has the duty to prove its case beyond Page 10 of 23 reasonable doubt while accused person assumes no duty of proving his innocence but rather, to establish reasonable doubt on prosecution case. As alluded above, the accused person in his defence came up with a general denial while

raising the defence of a/ibi. He claimed to be arrested on 27th May, 2023 and taken to KIA police station where he stayed for three weeks and then he was transferred to Boma police station where he stayed for two day and finally, he was taken to Arusha central police station. He was arraigned to court on 15th June, 2023. From his defence, the accused person claimed that, on the date of the incident, 6th June, 2023, when the leaves in question were found at the house in question, he was under the custody at KIA police station. It is well known that; general denial is fundamentally a weak defence; negative and self-serving which cannot impress the Court. This was pronounced in the case of Leonard Joseph @ N ya nd a v. Republic (Criminal Appeal No. 186 of 2017) [2020] TZCA 51 TanzLII. Although the defence of general denial of the accused person was accompanied with the defence of a/ibi, the same was presented against the spirit of section 42 (1)

- (2) of the EOCCA, because the accused person ought to have notified the Court of his intention to rely on a/ibi as his defence during the preliminary hearing, but he did not do so. Likewise, he failed to furnish the prosecution Page 11 of 23 with the particulars of his alibi before the closure of prosecution case as required by law. If his alibi was genuine, and he knew he was not at the crime scene, it was expected to be revealed from the beginning at the preliminary hearing considering the fact that, at that stage, he was duly represented by learned Advocate who is conversant with the procedure of notifying the Court to that effect. Moreover, if he truly knew he was not at the scene of crime, he could at least furnish the particulars of his aiibito the prosecution before the closure of prosecution case, but he did nothing. Likewise, his blemish lie corroborates the prosecution's case, simply because, the questions pertaining to when and where he was arrested were not asked by his counsel when seizing officer and independent witness, PW2 and PW5 respectively, were testifying. Also, they were not asked questions which would tend to negate the area where he was arrested. In other words, the accused person through his counsel failed to cross-examine PW2 and PW5 on this vital point, which ordinarily implies acceptance of the truth of the witness evidence; and any alarm to the contrary is taken as an afterthought if raised thereafter. See also the case of Martin Misara v. Republic (Criminal Appeal No. 428 of 2016) [2018] TZCA 318 TanzLII. Therefore, this alone is a clear indication that, his so-called a/ibi is not only a lie but also an afterthought. The tendency of lies of the accused has in Page 12 of 23 some occasions held to corroborate prosecution's case as it was stated in the cases of Felix Lucas Kisinyila v. Republic, Criminal Appeal No. 129 of 2002 CAT (unreported) and Nkanga Daudi N kang a v. Republic (Criminal Appeal No. 316 of 2013) [2014] TZCA 213 TanzLII. Apart from that, the accused person went further and denied to be known by the name of Joshua Akwii Msila. According to him, Joshua Akwii Msila is a different person from him. It is not disputed that; the name of Joshua Akwii Msila is different from Joshua Msila Kiloso. Legally, these are two different persons. However, the name of Joshua Akwii Msila did not just fell out of the sky like "mand'. According to PW2, it was the accused person who introduced himself by the name of Joshua Akwii Msila. That is to say, it was the accused person who baptised himself as Joshua Akwii Msila. It can be recalled that, PW2, identified the accused person in the dock as Joshua Akwii Msila whom he arrested at the crime scene on the date of the incident

with 11 sulphate bags containing the dry leaves in question. Likewise, PW5 identified the accused person as the one who was found in possession of 11 sulphate bags containing dry leaves in question. Even PW4 identified the accused person in the dock as the person whom he found at the crime scene and was introduced to him by PW2 by the name of Joshua Akwii Msila before he issued disposal order. All these indicate that, the accused person Page 13 of 23 introduced himself by another name just by design in order to escape his liability. Besides, PW2 in his testimony explained in details how the accused person signed in the certificate of seizure (Exhibit P3). Unfortunately, the accused person through his Advocates did not cross-examine PW2 about the accused person signing in the certificate of seizure. All these connote that, the defence accepted the truth of PW2's evidence concerning the accused person signing the certificate of seizure at the place where the search was conducted. This is a clear proof that, he signed to acknowledge that, eleven sulphate bags containing dry leaves were seized from him. In the case *Song Lei v. The Director of Public Prosecutions and Others* (Consolidated Criminal Appeals No. 16 A of 2016 & 16 of 2017) [2019] TZCA 265 TanzLII it was emphasised that, by signing the certificate of seizure, the accused person acknowledges to be found with the exhibit in question. The fact that the accused is claiming to have signed Exhibit P3 while at Central Police is a concoct lie because this issue was not cross-examined when PW2 was testifying. In these premises, I find the whole defence by the accused person particularly his a/zZVas nothing but afterthought and it has failed to raise any doubt in prosecution evidence. Thus, it is the finding of this Court that, on the material day of incident, the accused person was found in his house at Page 14 of 23 Lesinoni Juu village and in actual possession of eleven (11) sulphate bags containing dry leaves suspected to be narcotic drugs. With this finding, the first specific issue is affirmatively answered. Concerning the second issue, it is the cardinal principle that, the duty of an expert is to furnish the court with the necessary scientific criteria for testing the accuracy of their conclusions so as to enable the court to form its own independent judgment by application of these criteria to the facts proven in evidence. See the case of *Sylvester Stephano v. Republic*, Criminal Appeal No. 527 of 2016 CAT at Arusha (unreported). In this case, PW3, the gazetted government analyst is an expert who testified on his area of expertise on how he dealt with the dry leaves in question. PW3 stated that, after receiving 11 sulphate bags containing dry leaves, he registered them by giving them Lab No. NZ023-00606. He weighed the leaves and got the total weight of 275. 0 kilograms. After that, he drew two samples from each bag each sample weighing 30 grams. He conducted preliminary test by putting the first samples in 11 test tubes marked A1 to A11 according to the mark he labelled on the samples. Thereafter, he mixed each sample with three chemicals, Duquenous Levine, concentrated hydrochloric acid and dichloromethane whereby, the colour changed from green to violet indicating presence of tetrahydrocannabinol Page 15 of 23 chemical which is only found in cannabis sativa plant. On 7th June, 2023, he conducted the confirmatory test on the duplicate samples he remained with by using the machine, Microscope which revealed that all samples had structure similar to hair called Trichomes that are only found in cannabis plant. Basing on his analysis, he confirmed that, the leaves from 11 sulphate bags were narcotic drugs namely

Cannabis sativa which cause drug dependence on the user and destroy nervous system leading to mental disorder. The testimony of PW3 is supported by his report, Exhibit P7 which is a conclusive proof according to section 48A (2) of the Drugs Act. Thus, from the evidence of PW3, there is no doubt that, leaves in 11 sulphate bags seized from the accused person are Cannabis sativa and therefore, narcotic drugs in the ambit of section 2 and the First Schedule to the Drugs Act. Reverting to the third issue on whether the leaves in question were legally destroyed, it is prudent to underscore that, section 36(1) of the Drugs Act allows disposal of narcotic drug depending on its hazardous nature before the same is tendered as evidence in court. Equally, sub section (5) of the same section mandates courts to treat the inventory as primary evidence. In that regard, Exhibit P5 is primary evidence as far as disposal of the exhibits seized from the accused person is concerned. Equally, it is cardinal principle that; the accused person must be present and be heard Page 16 of 23 before the court issues an order to dispose of perishable exhibit. See the case of Mohamed Juma @ Mpakama v. Republic (Criminal Appeal No. 385 of 2017) [2019] TZCA 518 TanzLII. The evidence on record reveals that, on the date, after the arrest, search and seizure, different stakeholders gathered at the crime scene including the Chemist (PW3) who was handed over 11 sulphate bags containing leaves in question. After, he conducted preliminary test and confirmed to be narcotic drugs, he handed back to PW2 who prepared inventory form (Exhibit P5) and handed over to the state attorney who made oral application for disposal of exhibits before the magistrate (PW4) in the presence of the accused person. According to the testimony of PW4, before issuing disposal order, he gave the accused person his right to be heard by asking him if he has any objection for the exhibits to be disposed and the accused person replied that, he had no objection. Following such response, PW4 issued disposal order for the leaves to be destroyed by fire and he recorded his order in Exhibit P5 and signed accordingly. Since the accused person was illiterate, PW2 read it over to him and then, the accused person endorsed his thumb print. Thereafter, the leaves were destroyed by fire in the presence of PW2, PW3, PW4, PW5 and the accused person. Thereafter, the certificate of destruction (Exhibit P6) was duly signed. Page 17 of 23 The defence counsel during cross-examination of PW2 raised concern about Exhibit P5 not to show the accused person was asked if he has objection before disposal order was issued. In my view, such concern is unfounded because Exhibit P5 is a prescribed form found in the Third Schedule to the Drugs Act containing specific parts to be filled in. Besides, there was oral evidence of PW4 which I find credible, explaining how he gave the accused person his right to be heard before he issued the disposal order. Apart from that, basing on the reasons stated above about presence of accused person at the crime scene when I was rejecting his alibi, the complaint about signing Exhibit P5 at police station is unfounded. In that regard, and since all processes were followed including presence of the accused person who was heard before the disposal order was issued, Exhibit P5 is valid and can be used in lieu of leaves in question to prove the physical exhibits destroyed on 6th June, 2023 at the crime scene. Thus, the third issue is also affirmatively answered as the leaves in question were legally destroyed. Concluding with the last specific issue concerning chain of custody, it is important to note that, proving trafficking in narcotic drugs begins at the stage of search and

seizure. These are the first steps in the process of establishing the chain of custody. The leaves in the sulphate bags were Page 18 of 23 seized by PW2 through Exhibit P3. After seizing, he labelled the bags with mark A1 to A11, case reference number DCEA/AR/IR/19/2023 and name of accused person. The exhibits remained in custody of PW2 until when he handed over to PW3 through Exhibit P4. After registration and drawing samples, PW3 conducted preliminary analysis. Then, he labelled the bags with Lab No. NZ023-00606 and handed over to PW2 who after procuring disposal order from PW4 through Exhibit P5, destroyed the leaves with fire through Exhibit P7 while the empty 11 sulphate bags were handed over to PW1 who stored them until he brought the same in court which was admitted as Exhibit P1. Apart from that, PW3 analysed the duplicate samples through machine and confirmed that, the leaves were narcotic drugs namely cannabis sativa. Exhibit P5 was admitted in evidence in lieu of physical exhibits, the leaves which were confirmed by PW3 as narcotic drugs namely cannabis sativa. The evidence of PW1, PW2, PW3, PW4 and PW5 gives an account of how the leaves in 11 sulphate bags changed hands from one person to another from the time of seizure, analysis up to the time when they were destroyed and the 11 empty sulphate bags tendered before the court. The sequence and series of witnesses oral account conveys one message that there is unbroken chain of custody. Besides, the oral testimony of PW1, PW2, PW3, PW4 and PW5 was corroborated by documentary evidence, Page 19 of 23 Exhibit P3, P4, P5, P6 and P7. Therefore, basing on oral and documentary evidence, there is nothing which suggests at any rate that, the chain of custody was broken. In that regard, the fourth specific issue is positively answered. For the reasons stated above, and since all specific issues were positively answered, it is the finding of this Court that, the prosecution side has managed to prove the case against the accused beyond reasonable doubt. Thus, the main issue is also affirmatively answered. Since the accused person was found in possession of the drugs in question which he stored in his house, his act amounts to trafficking as per definition of the trafficking under section 2 of the Drugs Act. Besides, there is no evidence from him to prove trafficking was lawful as he was required under section 28 (1) of the Drugs Act. Consequently, I find the accused person Joshua Msila Kiloso @ Joshua Akwii Msila guilty, and I hereby convict him with the offence of trafficking in narcotic drugs contrary to section 15 (1) (a) and (3) (iii) of the Drug Control and Enforcement Act [Cap.95 R.E. 2019] as amended by section 18 of the Written Laws (Miscellaneous Amendments) (No.5) Act of 2021, read together with paragraph 23 of the First Schedule to and sections 57 (1) and 60 (2) of Page 20 of 23 the Economic and Organised Crime Control Act [Cap. 200 R.E. 2022], It is so ordered. It is so ordered. I. K. BANZI JUDGE 18/10/2024 Delivered in open court this 18th day of October, 2024 in the presence of Ms. Amanda Lushakuzi, learned State Attorney for the Republic, Mr. Zuberi Ngawa, learned Counsel for accused person, the accused person, Hon. Sophia Minja Judge's Law Assistant and Ms. Mariam Gallawa, RMA. Right of appeal is duly explained. I. K. BANZI JUDGE 18/10/2024 SENTENCE I have carefully considered the aggravating and mitigating factors. The accused person has just been convicted with the offence of trafficking in Page 21 of 23 narcotic drugs. According to section 15 (1) (a) of the Drug Control and Enforcement Act [Cap.95 R.E. 2019] and the proviso to section 60 (2) of the Economic and Organised Crime Control Act [Cap. 200

R.E. 2022], trafficking in narcotic drugs, an offence which the accused person has been convicted, carries a mandatory penalty of life imprisonment. The Court of Appeal through the case of Islem Shebe Islem v. Republic (Criminal Appeal No. 187 of 2020) [2023] TZCA 17635 TanzLII had already interpreted the above provisions by stating that, the offence of trafficking in narcotic drugs carries the mandatory sentence of life imprisonment. In that regard, I have no choice but to impose the mandatory sentence. Thus, I hereby sentence Joshua Msila Kiloso @ Joshua Akwii Msila to life imprisonment pursuant to section 15 (1) (a) of the Drug Control and Enforcement Act [Cap.95 R.E. 2019] and the proviso to section 60 (2) of the Economic and Organised Crime Control Act [Cap. 200 R.E. 2022]. I. K. BANZI JUDGE 18/10/2024 Page 22 of 23 ORDER Exhibit Pl, 11 empty sulphate bags to be destroyed pursuant to the provisions of the Drug Control and Enforcement Act [Cap. 95 R.E. 2019] with their Regulations. I. K. BANZI JUDGE 18/10/2024 Page 23 of 23

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Prepared on 13 October 2026 · Esheria