

The United Republic of Tanzania
Office of the Prime Minister
Regional Administration and Local Government

District Commissioner of Tarime

The Report of the Inquiry into the Death of Five
People on 16/05/2011 shot by the police at the
North Mara mine

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1.0 INTRODUCTION

1.1 LOCATION OF THE MINE

North Mara Mine is located in the Matongo and Kemambo Wards. This Mine is surrounded by five villages that entered into an Agreement with EAST AFRICAN GOLD MINE LIMITED in 1995. Those villages are Nyangoto, Kewanja, Genkuru, Nyamwaga and Kerende. The residents from those villages were undertaking their own mining activities before the Agreement. However, in order to strengthen the relationship with the Company two more villages, Nyakunguru and Matongo were added and there were seven villages that surround the Mine. This Mine started conducting its exploration activities in 1994 under the EAST AFRICAN GOLD MINE LIMITED.

In 1995, the five villages which its residents had licenses for undertaking gold mining activities made a contract with the EAST AFRICAN GOLD MINE LIMITED through their villages and some entered into joint ventures with the Company and have been getting dividends (for example KENG'ANYA ENTERPRISES LTD). In their Agreements there were items related to the company taking part in development activities such as the improvement of the health sector, education, roads and electricity. After some time the EAST AFRICA GOLD MINE LIMITED bought the Mine and proceeded with gold mining.

PLACEDOME TANZANIA LTD purchased the Mine and later sold it to BARRICK GOLD MINE which is now under the name of AFRICAN BARRICK GOLD MINE. In the transition process all the companies that had operated there have had problems with the residents intruding into the Mine in order to take the gold bearing materials by force and sometimes they even picked up rocks from the piles of waste rock.

In the course of the mining operations at the North Mara Gold Mine in Nyamongo, there have been different incidents like destruction of the investor's assets, use of explosives by the villagers inside the pits operated by the Company with the aim of getting gold; frequent deaths due to people falling into the pits, and some being wounded by police after invading the Mine.

This situation caused some people to be extremely dissatisfied with the contracts signed between the village and the Mine. On 16.05.2011 the situation took a new direction after many villagers invaded the Mine by force with the purpose of going to the stone mill (ROMPAD) and this caused the police to use live bullets thus injuring eight people and killing five. The people who lost their lives are:-

- a. EMMANUEL MAGIGE aged 27 from Nyakunguru Village
- b. CHACHA NGOKA aged 25 from Kewanja Village
- c. CHACHA MWASI aged 25 from Bisarwi Village
- d. CHIWALE BHOKE aged 23 from Serengeti Village
- e. MWIKWABE MARWA aged 35 from Serengeti Village

1.2 SELECTION OF MEMBERS.

Due to the events that took place on the 16.05.2011, the Tarime District Commissioner JOHN HENJEWELE, who chairs the Defence and Security Committee in partnership with the Police Force, decided to create a Committee of inquiry to find out the source of that event. A total of six (6) members were appointed and this included:

- a. SACP LUCAS HAULE- Chairman
- b. SSP ERNEST KIMOLA- Member
- c. SSP BOYD MWAMBINGU- Member
- d. ISACK MAYEKA- Member
- e. STEPHEN MAKWEGA- Member
- f. ERICK KAMWELWE - Secretary

1.3 PURPOSE OF THE INVESTIGATION.

The District Commissioner ordered an extensive investigation regarding the events of five deaths and three injuries in the Nyamongo mine area after the village residents invaded the mine and police used live bullets.

2.0. TERMS OF REFERENCE

This Committee was given the following terms of reference: -

- a. To find out if there is an agreement between the villages surrounding the mine and North Mara Gold Mine relating to the security/protection of the Mine.
- b. To determine the validity of the Nyamongo residents (people from different parts of the country who go to live in Nyamongo and do various activities).
- c. To determine the daily lives of the citizens in Nyamongo.
- d. To understand the state of the relationship between the communities surrounding the Mine and Barrick Mine.
- e. To determine whether the use of force (for the event of 05/16/2011) that resulted in the killing of the five people (5) and injuring of three (3) people was warranted and legally correct.

This committee was given 7 days to complete the investigation work and submit its findings.

3.0. METHODS USED IN THE INVESTIGATION

The Committee in carrying out its role in the investigation looked at and gathered information through interviews, watching the CCTV tapes and visiting the area of the incident. The goal of these activities was to ascertain the facts relating to the occurrence of the incident.

A. INTERVIEW.

The Committee was able to get the opportunity to interview various people as follows: -

HENRY SALIMIA.

He is the assistant Acting Chief Executive of Kwanja Village (VEO) and the Ward Community Development Officer of the Matongo Ward. He has performed these activities in the village for over 30 years but does not have enough experience. He moved to Matongo Ward on 10/10/2010 from the Rorya District. On 03/03/2011 he was appointed to take over as the Acting VEO. He explained that he does not know the founder of the Mine. However, he claimed that the Mine began in 2002.

In his statement he said that there is an agreement between the Village and Mine that shows the following: -

- a) The Mine should buy the land from the residents and pay a fee to the Village together with compensation to the owners of the land as per the Agreement;
- b) The Mine will provide support in the development activities related to improvements in water, road construction, education and health.

A meeting forum for the village was used to inform them about the Agreement. In that Agreement there was no element which defined the issue of security/protection. He explained that the relationship between the Mine and residents are not good as a result of the following: -

a) Despite agreeing to adhere to the Agreement between the Mine and the Village, the implementation of development activities remains in question. This has led to bad relations between the Mine and the villagers. He cited the water service as an example where the village had no water system last summer, which led to 20 litres being purchased at Tshs. 1000/= and Tshs. 200 /= when there were floods. He also stated that the residents do not have a clinic so they rely on just a health centre located in Nyamongo, Matongo Ward despite the fact that the Mine had agreed to construct a district level hospital.

b) The village residents feel that the Mine is a problem in that the Mine claimed that jobs would be provided to the people who come out of Nyamongo and other residents of this area but this has never materialised and so they see that they are being discriminated. He gave examples that employment that came from the Mine was for the youth to hold the flags but they were later terminated. Employment in the Mine has been given to people with Secondary Education.

He explained that the issue of royalty is not being fulfilled in the village except for the allocation from the District Council which receives royalties of US\$ 200,000. Regarding the incident on 16/05/2011 he stated that he was absent. However, he admitted that the residents invaded the mine and as a result, five people were killed by police in the Mine area. The villagers were more than the number of police. He admits the action of the police (in killing five men) was a way to protect themselves from the residents looting their weapons.

He explained that the source of that invasion was bribes that were being given to the guards and that the people who do not bribe (who are the majority) have not been successful in getting the gold bearing materials and that a few are given money if they succeed and this causes the majority to be extremely angry. He confessed that the police normally receive bribes, but they do not know the details because they are being exchanged from time to time. He explained that some workers of the Mine have been revealing the secrets to some residents regarding the gold stones and that attracts many people to the place with the purpose of taking the gold bearing materials. However, he explained that people in the area are highly dependent on the activities of gold mining for their survival and therefore it becomes difficult to stop their invasion.

With this explanation he suggested the following steps to restrict the public from invading the mine:-

- a) Putting up a perimeter wall;
- b) Pouring the gold bearing material in the villages;
- c) Strengthening collaborative security;
- d) Helping the small-scale extractors (artisanal miners) in the Mrito and Itandura villages and support them so as they get better equipment and mining tools, expertise and training;
- e) Conduct a population census to deter Mine population dynamics and activity. This is due to the fact that some citizens who are not residents of Nyamongo have been prompting locals to invade the Mine. If they were removed the problems would go with them.

MWITA MRONI CHACHA

He is the chairman of the KENYETANKA hamlet in the Kewanja Village in the Kemambo Ward. He is 31 years old. He is a farmer from the tribe of Wakurya. He explained that he is an immigrant from the village since 1994. He explained that minerals research (exploration) started in 1994 under the East African Gold Mine Limited. In 1995 they signed an agreement with East African Gold Mine Limited as an investor. In the Agreement there were several key points:-

- a) 1% of the income from the Mine should go to the village;
- b) Education improvements;

- c) Road improvements;
- d) Water services;
- e) Electricity; and
- f) Health (constructing a health centre)

He stressed that there had been no implementation of this agreement. However, he explained that electricity has been put into 10 out of 70 households in the village, and explained that the relationship between the Mine and the village is extremely poor due to most commitments not being implemented. Regarding the incident on 5/16/2011, where five people were killed and three injured, he explained that he was absent. However he admitted that people were killed in the area of the Mine due to the invasion. He termed that practice as illegal entry into the Mine and that the police were innocent.

He explained that although the relationship was not satisfactory the Mine still had some benefits and mentioned them as:-

- a) People who received the compensation had a good life by having good homes compared to the previous times;
- b) Some people get help from the Mine.

To overcome the invasion into the Mine he had suggested that.

- a) The Mine should relocate the residents living near the Mine in order to separate the settlements with the Mine;
- b) Strengthening collaborative security; and
- c) Implementing their promises on time.

BERNAD MUHENGA – MKURYA

He is 60 years old and a farmer. He is the Relations Officer of the Nyamwanga village. He was once the Ward Secretary. He insists for peace as the new manager was insisting the issue of peace and removed the various challenges that he did not mention. He said out of the session that was attended by leaders of the villages surrounding the Mine, the residents had seen that the manager claimed that he did not want the residents to continue to search for gold in the rubble. He emphasized that, in that area of the Mine it is being owned by an investor, and citizens are not allowed to enter the area.

He said that during the event on 16/05/2011 some youths had been upset and angry and he expressed that it is wrong to disobey the advice of the elders. He explained that two days before the event, an old man (name not mentioned) found the youth discussing and planning the invasion and warned them not to do so. But he was insulted by a young man who was in that group. On the 15/05/2011 some invaders received good income and were spreading information to others who eventually came out in huge numbers. He said that the incident on 16/05/2011 was not an accident but it was planned and the police fulfilled their duty to protect themselves and the property.

However, he said that some workers had mentioned that **Ghati Enock**, the relations Officer of the Nyangoto Village had been convincing the Mine that when the intruders discover a mound of stones in a certain area which contains gold bearing stones, the Mine should not cover all the stones but leave some so that the people also get a living. He emphasized that people have been calling one another from different parts of Nyamongo to come and earn a living and this has been causing violence. Although he did not agree with the terms of employment as proper standards and qualifications have to be observed, with regard to the agreements, he emphasized that in the Nyamwanga Village most agreements had been implemented. For example: -

- a) Service and maintenance of Nyansangero Primary School and Nyamwanga;
- b) Construction of teachers' houses;

- c) Implementation of the water project which however after the people had destroyed the pipes, they are no longer functional;
- d) Construction of a clinic; and
- e) Payment of fees for students in Secondary Schools and Colleges.

He emphasized that the Mine and the communities are interdependent and those who claim that the Mine had never done anything are the politicians who are the masterminds, but he could not be mention them. He thus suggested the following: -

- a) To start collaborative security;
- b) To assist the small-scale Miners for example Msega Model Trading Company, Msege Company and Kerende Mining;
- c) He does not agree with the ideas that none of their other activities cannot help to transform the lives of the citizens of Nyamongo because farming can do so well;
- d) Moral education given to young people to continue to respect the law and order in the country;
- e) Warn people who bring politics to the activities of the Mine.

AMBROSE CHACHA MWITA

Tribe Mkurya. He is 47 years old. He is a farmer and a trader. He was once the Chairman of the Nyamwaga Village Government from the years 2004 -2009. He explained that on 16/05/2011 there was an incident where five people (5) were killed and three (3) were injured. He explained that the people who were in a significant number invaded the Mine on that day, and that the police responded with the powers available to them, although it is sinful and a crime to kill. The police struggled to push back the invaders (he does not know their number) but they kept on moving towards the police.

He explained that the Mine and the community relations are good in his village. And that the Mine has been able to implement some of its commitments as well as rehabilitation of Nyamwaga and Nyansangero Primary Schools and two houses for the teachers and that the clinic was built and that although water services are not yet available, but the Mine through Barrick was able to fund the construction of 13 terminals for distributing water. However, he explained that the Mine has been owned and managed by several companies such as East Africa Gold Mine Limited which is the one that entered into agreements with then five villages in 1995.

Out of all the companies that operates a Mine only Placerdome was implementing its commitments seriously. However, he explained that Barrick has been particularly useful to provide money to pay the fees for the students passing exams to join secondary schools and universities. Also they had provided benefits to individuals like building better houses, buying cars, and enabling them to start different businesses. As a result of the residents invading the Mine and leading to the use of live bullets and eventually the deaths, he recommends the following:-

- a) People living near the Mine should be relocated;
- b) The Mine should continue to fulfil its promises;
- c) Strengthening collaborative security;
- d) The politicians should be warned to stop using the Mine as a means to gain political popularity;
- e) Education should continue to be given to citizens to remove the reliance on the Mine as the only way to earn a living and to overcome the idea that minerals belong to them. Mine zones are assets of the investor and should be respected.

KIRIGITI SASI.

His tribe is Mkurya. He is 50 years old. He is the Chairman of Nyamwaga Village and he is a farmer. He explained that the relationships with the Mine is not good because there are no jobs for young people which goes against the 1995 agreements between the Village and the East Africa Gold Mine Limited. The Mine has not fulfilled its promises accordingly, for example:

- There is no water in the Nyamwaga Village
- The road is not satisfactory; and
- There is no secondary school built.

However, he admitted that the rehabilitation of the primary schools that are in Nyamwaga and Nyansangero were done, as well as the construction of dispensaries and clinics and electricity is expected to arrive in Nyamwaga. He explained that he had strongly opposed the village to enter into an agreement with the Mine without a Government lawyer, but they ignored him and the outcome is as a result of his comments being ignored. He blamed the Village leaders for failing to supervise the implementation of the contracts and for failing to provide accurate information to the people about the meetings that happened between the Mine and Village leaders.

Some workers of the Mine did not disclose and failed to deliver the correct information to the Mine Manager concerning what issues concern the residents of the village. This often leads to bad relationships. That's why they have advised the new Mine Manager Mr. Baise Maree to visit the residents himself so as to get the correct information of what the citizens need from the Mine and what people want to give to the Mine.

Following the incident that occurred on 5/16/2011, he said that he was not impressed by the people who invaded the Mine. He called them invaders and that the police really tried to prevent the large number of the invaders, which is estimated to be more than 1000. He explained that the police did not make a mistake in those killings because they were protecting themselves and protecting the assets of the investor. He explained that politicians have been telling the public that it is their property and that motivates the citizens to use force to invade the area of the Mine where gold bearing stones are being piled for the purpose of being processed in the mill. Even so he could not name those politicians. To prevent the citizens from invading the Mine he insisted that:-

- a) Small-scale miners should be assisted;
- b) Census to identify immigrants be implemented;
- c) Citizens should be assisted to upgrade their other small businesses by assisting income generating groups; and
- d) The issue of the youths' unemployment should be looked at.

TIMASI CHACHA TIMASI.

A Farmer aged 40. He is the Chairman of Nyamichare hamlet in Nyakunguru Village. He explained that the event of 16/05/2011 was an invasion to the Mine by more than 800 people. The raid was as a result of the community that was very close to the Mine. The residents think that gold is part of their lives. The residents that live surrounding the Mine have no respect for the authority of the police. Invaders have been stoning the police who guard the Mine. He explained that the killing of five people was legitimate because they were invaders in the area that was legally owned by the investor, which is Barrick.

The police did not have any way of preventing them and that the police weapons could have been looted if they did not use firepower and that in that event a police lady whose name was not mentioned would have been raped by invaders even after the use of tear gas and being surrounded by the invaders. Her fellow male police is the one who saved her.

To overcome the problem of invaders that result in people being killed, he explained that:

- a) The Mine should fulfil the promises that it had given to the residents as it has been seen that many promises offered by the leadership of the Mine were not implemented and thus caused the complaints;
- b) Some of the Mine workers have been deceiving the public that they will be paid compensation at international rates but when it comes to implementation it was always different. In short he named the worker to be one known as **JJ**.

However, he explained that in his area the promises have been fulfilled because they are not part of the agreements involving the five villages. Those promises were the support for 90 galvanized iron sheets and 30 desks for Myamichere Primary School.

GHATI ENOCK

He is 50 years old. Relations Officer of the Nyangoto Village. He explained that on 05.16.2011 in the morning hours he heard the use of tear gas in the Nyabirama area. He explained that near the Nyangoto Primary School he saw many people in the ROMPAD area and he heard there was unrest. The event was preceded by an incident dated 13.5.2011 where he and SIMON SHAYO went into the area to calm the residents who had gathered in huge numbers to invade the area of the ROMPAD, but were stoned and their car was hit in the front and some glass particles entered the eyes of SHAYO and that a young man whose name was not known wanted to stab SHAYO with a knife but fortunately the young man slid and fell down.

The killings related to the event dated 16.05.2011 was not good but the police were armed. Some young people felt that the killings were intentional and others explained that it was the fault of the invaders to raid the Mine area which is owned legally. However, he said that the problem is that some employees of the Mine have been revealing the secrets to the residents of the existence of good gold bearing stones and so they decided to invade. Also some people give money to the police in order to gain entrance to take the gold bearing stones. He cited that there was a stone that was purchased at Tshs. 2,000,000 / = after paying the money to the police and after being grinded it issued gold worth Tshs. 900,000 / =.

In the event dated 16.05.2011 the police used live bullets after the invaders began to throw stones at the police. But no one died in the Mine area. There were injuries and some died in the Mine hospital, others in Tarime District Hospital. To eliminate these incidents he suggested that a census of the population of all the villages be undertaken to differentiate the residents and the immigrants who cause the violence.

LUCAS KORNEL

Executive Officer of Matongo Village. He is 46 years old. His tribe is Mhaya. He described the events dated 16/05/2011 where people were injured and eventually died. He says that was right because the area of Mine is the property of the investor which was not supposed to be invaded. Even though he was not present at the scene he explained that citizens have been allowed to seek gold in the rubble stones. The police action of using force was right because the invaders were throwing stones at the police and beating them. The invaders were many and, the possibility of the police being over powered and invaders taking their weapons was high because one of the police was stoned and fell down at which point the invaders tried to take his weapon. Since he is familiar with the Nyangoto environment, he believes that if the weapon was taken, it would have brought dire consequences.

He explained that he was informed that a MSETI MAIRI Nyangoto resident had found a group of young people planning to invade the Mine by force. He believes that the event was organized. He insisted that the police have a tendency of allowing residents to take stones inside the pits and thus the act of stopping them caused them to become angry and thus decided to invade the Mine by force. He said that the act of the public to stay close to the Mine contributed to the invasion because they see how activities are taking place in the Mine. He advised that the citizens should be relocated to a distance of 200-500 metres. He also requested the administration of the Mine to continue to assist in the development activities in the Nyamongo area.

NYAISARO NYAISARO

He is the Assistant Chairman of the Nyakunguru village. He is a farmer who is 55 years old. He explained that as a result of the event on 5.16.2011 it was extremely sad to lose the lives of five youths. However he did not blame the police because those young people invaded the area of the investor, which is owned legally. The youth attacked the police and the police were forced to fire.

He advised that people living near the Mine should be relocated. Secondly, support for the small scale miners should continue. He explained that the source of the events is a result of some people who bribe some police. Third, the lack of gold in the rubble stones lead to the hungry people wanting to use force in order to take the gold bearing stones. Fourth, the Mine has not been implementing some of its promises to the villages.

JOSEPHINE MKONO – MKURYA

She is 37 years old. She is the Relations Officer in the area of social relations. She explained that she remembers and had a meeting on 05.15.2011 and met with the traditional elders. The meeting was as a result of the increased incidences of invasion of the Mine and that the same day the police had been stoned. The session was aimed at finding a solution. The traditional elders had forbidden the youth from entering the area of the Mine.

She explained that if the relations between the Mine and the community would improve there would be peace and various groups could be assisted. In relation to the events of 05.16.2011, she said she does not know the reason why the invaders used force to the extent described, because most of the time they were collecting stones outside the Mine and that police were entitled to defend against invasion. To overcome the invasion she suggested the establishment of alternative activities such as trading, fish farming, vocational training and to set aside an area for small scale miners and they should be educated about the fact that the Mine is the legal property of the mining company. However, she explained that, in reality, many people like to receive the money first instead of skills.

TEDDY SEBASTIAN SABAI

He is 50 years old. Relations Officer of Kewanja Village. He explained that the events of invasion were as a result of many young people who have no income. And that in the Nyamongo area, there is a mixture of people from different areas. Regarding the event of 16.05.2011, there are two views:

- a) Some young people admitted that they made the mistake to enter by force in the area that was restricted.
- b) Some of the young people claim that it was illegal for them to be barred from taking the stones because it is their property.

However, he explained that the youth have a bad behaviour of stoning the police when they are prevented from entering the Mine area. So the act of using fire was fair because there were many people and the police were armed and protecting the property of the Mine.

He insisted that the relationship with the Mine is in order because some promises have been fulfilled such as cost sharing for the construction of Ingwe Secondary School (80 bags of cement and blocks), fees for students, rehabilitation of the teachers' houses in the Nyabigena Primary School, rehabilitation of the government office in Kewanja Village, and electricity has arrived in the village. However the people still claim that there is money entering into the village government under the leadership of the Village Chairman **Mr. Tanzania Omutima** but the public have never been informed.

JOHN BOSCO MBUSIRO

He is 52 years old. The manager of land and housing transfers at Nyangoto. On 14.05.2011 he was barred from entering the Mine. At 06:25a.m. he found people entering through RAMPAD and there were cars of the security group and many people were on the rubble. He left in the evening to give a report while passing at Tarime. In the morning of 5.16.2011 the police had informed the citizens that they will not be allowed to enter the stone area because the seniors (police leaders) were there. He explained the factors that led to the raid that day were: -

- a) The act of police to inform the residents that on 16.05.2011 they will not be allowed to enter the Mine area because their bosses were coming to the area;
- b) Some of the officers who gave secret information that the stones on that day were of a great value;
- c) The time to exchange shifts is normally at 5:00am in the morning and the residents feel at that time all the guards were not alert for the invasions. This shows that the residents had studied the situation.

There have been wrong perceptions where some politicians feel that it is not right for the police to kill and that gold is the property of the Nyamongo residents. So as to ensure there is no reoccurrence of the Mine invasion, he advised that the people living within the radius of 200 metres should be relocated. The behaviour of people living in the Nyamongo area involves disrespecting the laws, procedures and rules.

ERNST LEON

He is 40 years old. He is the coordinator of security in the Mine. He is a citizen of South Africa. During the event dated 16.5.2011 he was on the night shift. He explained that the residents invaded the Mine area. But the police struggled to stop them using tears gas, bombs and rubber bullets but they continued to move forward. He explained that in that event no one lost their lives in the Mine but that there were five wounded people that died later through injuries due to the shooting but could have been healed.

He said the cause of the deaths was related to the delays in them being taken to the appropriate medical services due to the violence of the people themselves. He explained that the source of the motivation for the invasions is the poverty of the people, and some of the Mine workers have been involved in providing the residents with information related to gold bearing stones, but could not give their names. He also said that people from various places outside the villages surrounding the Mine are causing violence.

For his part he said that educating the citizens is needed to improve the relationship between the Mine and the people. He also outlined that there should be collaboration in hunting down the criminals who had been the source of the raid on the Mine, to do joint negotiation between the residents and the Mine so as to reach good agreements and to build a perimeter wall surrounding any gold pits.

ASP. MATHIAS NDUYE

He is 47 years of age and his work station is Tarime. He is OC - Operations – He took over since 16.05.2011 after a request was received from the ASP BABU SANARE who requested to leave the mine site after seeing that the residents continued to invade the Mine. He left on 05.05.2011 due to the event of people being fired on with tear gas. He said on 11-12.05.2011 a large number of invaders came in during the morning hours but were being removed. However, as the days passed they kept on increasing in number and they were forced to ask for police assistance from many areas. On 14.05.2011 the situation was getting very bad as 8 policemen were injured by being stoned among them was Hassan Maya OC-CID Tarime District and SP SIMON MRASHANI.

On 15.05.2011 RCO ERNEST KIMOLA SSP arrived and found that the number of the invaders had reduced. On 16.05.2011 the number of police increased. The police were organised from 10 hours before dawn but at dawn the number of people kept on increasing. They used tear gas against the crowd until the gas rounds were finished. A car was sent to collect more tear gas but

the invaders kept on throwing stones. The police began to use live bullets to threaten them. But the invaders kept on overpowering the police.

In the struggle the attackers were threatening to destroy the Mine property and to kill the policemen. For that reason the police had to protect the assets of the Mine and themselves. They ran out of tear gas for a second time. The people who were killed are those who were on the rubble. They were helped by their peers when they realized that the people were wounded.

Finally they were taken to the hospital but lost their lives. In the violence no resident was targeted directly by a bullet. The people lost their lives due to injury but they died while they were already away from the Mine area. In the violence the guards of the Mine were fair. The invaders claim that those guards normally oppress them when they arrest them.

He explained that the invasion has been increasing due to the fact that many people who now reside in Nyangoto area are not the residents of that area. He said that the residents of this area have a tendency of calling each other once one succeeds on something and they normally question where else should they go to earn a living? He explained that in relation to the rape of the police woman, he does not have any information. He further explained that in relation to corruption which is known there by the name 'Mchongo', he is not aware of it though he has heard it being mentioned by the village residents. He added that the question of invasion mostly was caused by some workers of Barrick disclosing secrets to some of the residents about what kind of stones are there in ROMPAD. The distance between the Mine and the residents has also contributed to the increase of invasion because the houses are near the Mine.

A/INSP ABDALAH ALLY MOHAMED

He began work on 08.05.2011 from Utegi. He is 47 years old. He is the assistant OC-CID of the Utegi Police District. At 1:00 pm he began with section 01. He found the OC-OPERESHENI - ASP BABU SANARE who is the Superintendent of Sirari Station. He was given instructions by phone that he would be an assistant of the operations. He found all the police were ready to fight the invaders. He came to work that night with 10 police officers (6:00 pm) in the Nyabirama and Gokona area. The state of the invasion was significant on 09.05.2011. In the morning of that day he heard the bell that indicated that the residents were calling each other to go to the Mine. And in that environment he heard them saying:-

- **That is their time;**
- **They do not recognize agreements;**

They used tear gas and cooperated with the guards of the Mine. All that time the residents were holding weapons (swords and hammers) at 6:00 am he was added with another section.

Still the invaders kept on entering and he requested a section from the Nyamwaga Centre. On that day he estimated the invaders to be around 1500-3000 and mostly young people participated in the invasion. When they entered they stoned the vehicles. He ordered his police to go back to protect the ROMPAD area. At 7:30 am in the morning they managed to remove them from the ROMPAD area. On 14.05.2011 the residents invaded again and they **were saying that they don't like fake agreements that were signed by PRESIDENT KIKWETE AND MKAPA**. On that day more than seven (7) police were injured by the invaders and some police vehicles and some of the Mine vehicles were damaged. On 15/05/2011 the residents entered again with the intention of taking the stones on the mill. The operation started at night and some residents were arrested.

On 05.16.2011 at 5:00am more than 3000 invaders were screaming and ringing the bell with the aim of regrouping and they filled the whole of the Blue dump, Two-six and KT Yellow dump. The people were increasing. As a result of that situation the police were assembled in 4 sections as follows: -

- Section yellow dump – Mr. Nduye

- Two six – Mr. JULIUS MSHUMBUZI
- Blue dump – Mr. Nathaniel (SSGT)
- Tango 03- Himself.

The people started throwing stones that is when the police started firing tear gas and rubber bullets. However the people kept on throwing stones and forcing the police to go the New finger area B. When they were throwing the stones they were saying the following words:-

- (a) That the Mine has to end; and
- (b) That the police must die

Insults were thrown to female police. Some had begun destroying the excavator machine and the drilling machine that was in the Nyabirama pit. As a result of that situation, it forced the police to join their colleagues on the ROMPAD after seeing that the police were returning backwards. In the midst of throwing stones about 10 police were wounded among them were: -

- CPL MACHIWA
- PC JOHN
- PC MSAFIRI
- PC EZE
- DC JOHN
- SGT HILLARI

After the citizens continued to move closer to Kinu an order was given to fire live bullets in the air and later to fire guns at the legs level. After the use of live bullets a number of attackers lay down. After seeing that they stopped being chaotic. ASP SUNGU asked one person to move in front and talk to him. One person who was dressed in a white shirt moved and talked to ASP SUNGU and then told the rest to carry the injured. ASP SUNGU gave a directive that the five injured should be carried by three people. Later on the clan leaders came to help. After the tragedy on 16.05.2011 the crowd of attackers reduced and only a few remained, 200-300. After the violence, two injured were taken to the Mine hospital and three to the district hospital in Tarime. The chaos stopped at around 8.20 in the morning. He stated that the sources of such violence and aggression include:

1. Statements issued by leaders of CHADEMA and those statements made by the later CHACHA WANGWE (former MP) that the mine belonged to the Nyamamongo residents;
2. Difficult living circumstances
3. The invasions have increased after the mine suspended mining activities in the Nyabirama and Nyabigena pits as they undergo expansion. This condition has attracted many people to go into those pits because they see that there is no blasting being done.
4. A number of staff at the Mine that are not trustworthy have been leaking secrets in respect of the good stones to citizens after the blasting.

Even though there is a situation that is not satisfactory still the Mine has managed to carry on in activities like:-

- Constructing a police station;
- Availability of electric power system;
- Construction of the Health Center in Nyamongo
- Construction of Villages and Ward offices;
- A number of youths have been employed at the Mine in the local companies like KIRIBO and KENG'ANYA.

In order to avoid attacks every time, he advised that the village residents should move away from the Mine and they should be educated concerning the importance of the presence of the Mine and they should be helped to develop income generating groups.

ASP BENEDICT RAPHAEL SUNGU

He is 55 years. He is OC- FFU- Tarime- Rorya. He arrived at Nyamongo area on 14.05.2011 with section 03 led by SP SIMON MRASHAN and he took his position. On 15/5/2011 he went to work at 05:00 in the morning. He was at an area called Two six. He managed to talk to the residents who were gathered in a large crowd. But he heard them tell him that the time had come to pick stones. At that time they were outside the mine. As a result of the large crowd, the police started using tear gas and rubber bullets. Despite this the residents carried on throwing stones at them.

On 16/05/2011 at 10:30 he joined RCO-ERNEST KIMOLA and OCD of Nyamwaga ASP RICHARD ABWAO. They managed to arrange the police to block all the entrances that the invaders were using to get into the mine with an intention of taking gold bearing stones, which is a way of moving from town, Makerere and Two-six. They commanded the invaders to move away but they started throwing stones and the police hit back with rubber bullets and tear gas. The rubber bullets and tear gas ran out and they were forced to move back and line up at the ROMPAD. But later he was told by the invaders that people had been killed and that the battle had stopped. There were five casualties and he ordered the invaders that each should be carried by three people which they did. Those casualties were carried in a police vehicle and taken to the Mine health centre and others to the District Hospital Tarime where they later died. As a result of that incident 8 police were stoned and injured. The violence stopped at around 9.00 am and in those clashes over 2000 invaders participated in the attack.

He said that in all the clashes the political parties have been stirring up the residents to attack the Mine with allegations that it is their property. As a result of that incident he advised that education should be offered to the residents to know that it is an offence to enter the premises because it is not their property. A census should be done to identify the people and their behaviour.

ASP. RICHARD ABWAO.

The senior police of Nyamwaga District. He is 36 years old, from Luo tribe. In his dealings he has been patrolling at the area surrounding the Mine and giving assistance to police that are at the Mine where the clashes started. He normally takes that responsibility when he is called by the Police Commander of Tarime/Rora or the Mine Security Manager. FROM 09.05.2011-16.05.2011 they were being called regularly following information that the village residents wanted to invade the Mine on 16.05.11 he received a phone call from Commander of Police ACP COSTANTINE MASSAWE who instructed him to add force to the police who were at the operation. At that time the police were arranged to surround the area at Nyabirama and the stone dumping zone. When the attackers overpowered them the police started to use tear gas to send them back. When the tear gas rounds were finished, they were forced to use rubber bullets which also ran out as a result of people increasing in large numbers and throwing stones at the police. As a result of police lacking the correct ammunition to use for the job and being pushed backward, all the police went to line up at the RAMPAD. As a result of stone throwing at the police, the chief inspector SSP ERNEST KIMOLA decided that live bullets should be used and that's when 8 people got injured. In those clashes no one was killed at the site of the clash. The injured parties arrived at the health centre. Two injured persons went to the Mine hospital and the other three went to the District Hospital. A total of 7 police were injured and losses of property like police vehicle PT 1010 and the Mine's property. In that tragedy over 1400 people are said to have participated in the clashes. The clashes cooled down at about 09 a.m. and out of those who died there was none from Nyangoto Village where the clashes occurred. The people who were injured and died were from Kewanja 01, Nyakunguru 01, Bisarwi 01 & Villages and two from the Serengeti District.

He explained that the increase of clashes is a result of leaking secrets of what goes on by a number of workers for the Mine concerning availability of high quality stones; village leaders being unable to stop the clashes; and village youth lacking jobs. He stressed that relations between the Mine are not ok as a result of the Mine being unable to fulfil its promises to the citizens. In order to reduce attacks, it is better for different groups to be given assistance and education. People can understand that the Mine is the private property of an investor.

WP 7371 DUMIATA NAFTALI NDOSI.

He is 25 years old. He joined as operation police on 15.05.2011 being led by Major REVOCATUS. On 16.05.2011 while at work he witnessed a large group of people at the Mine between 2000 – 2500. In that group they carried weapons like slashers, sticks, arrows and were also throwing stones at the police. As a result of using stones a number of police were injured and taken for medication. At 05:30a.m. the people were armed and the number increased. The police used tear gas and they threw the tear gas rounds back to the police. In that scenario more police were sent from Nyamwaga and Tarime. At the area where he was the people were threatening him that if they catch him they will kill him and yelling insults at him like a dog and other bad insults. He had 10 rubber bullets and he used all of them when they ran out he returned to the car. In those clashes no one was killed at the Mine areas.

A 8346 CPL MACHIA.

He is a police officer who on 5.16.2011 led a group of 09 police officers. They reached the scene at around 03:30 after a telephone call with OCD - Nyamwaga that they are required to provide support to the police who were on an operation due to the increase in the number of residents who wanted to invade the Mine. They took the tear gas weapons with SMG 08. When they entered the Mine they found many people, over 1,800 hitting out and screaming.

They struggled to stop and send back those people using tear gas but they continued to move forward. He was stoned on the right leg and fell down while he was holding his LONG RANGE weapon (the weapons used to fire hit bombs). The residents kept on getting closer and he thinks that is when live bullets were used to rescue him and that is where five people were wounded. He said that people were moving forward due to the information supplied by the Mine's public relations officials that police cannot use live bullets. In the event some 6 police were also injured by stoning.

SAMWELI PHILIPO MWITA

He is the Executive of the village and he is 48 years old. Mkurya who hailed in Sirari. He has been the Executive of the village since 2007. He explained that during the event, he was not present because he was in Sirari. However, on 16.05.2011 at 5:00 am he received a call and the Chairman of the Nyabikondo suburb - PETER MAKOMA told him that the police were battling with the village residents and that during the fight five people had been killed. One was from Kewanja Village, and another Emmanuel Magige from the Nyakunguru village. He also informed him that their bodies had been taken to the Tarime District Hospital. He explained that the incident was not the first one that happened because in 2009 they burned one excavator at the property of the Mine in the area known as Two- six next to NYABIKONDO suburb.

He explained that the continuing invasion is a result of the people from Nyangoto village not having a farm area and they have been relying on extraction of gold for some time. They have no income and they are not used to farming. He said that the source is the public living near the Mine and they see things developing there. He also said that the political leaders especially from the CHADEMA party led by Ward Councillor of Matongo Mr. Bartholomeo Machege have been inciting the public by saying that the minerals belong to them and therefore they have the right to take them any time.

He also said that Nyangoto is inhabited by a mixture of people from that village who are looking for a better life and that people who are not natives have been pushing the locals to use force. For them to avoid the acts of the public to invade the Mine they suggested that small scale miners

who depend on the area should have access to the resources and expertise. Also the relocation of the inhabitants who live close to the Mine should be implemented and that the Mine should start providing low skill based employment. He cited that once the small-scale quarry miners emerged in the Murito village and started extracting gold many people moved into the site and were removed during the raid at the Mine.

DEODATUS NYAMHANGA.

He is the executive of the Matongo Ward and lives in Nyangoto village and he is 49 years old. In the event of 16.05.2011 he was in the village. He was told by the people that the situation was not good in the Nyangoto village. That the citizens had invaded an area of the Mine with the aim of taking the gold stones. However the police had tried to push back the residents by using teargas but it failed. The police were forced to use live bullets because the residents (the attackers) were heading to the grinding mill that had gold (ROMPAD).

Upon his arrival to this place at 9:00am he found the residents had been dispersed and that people had been killed in the incident and had been taken to Tarime after being shot with bullets. He said that the killing of the men was lawful because the area of the Mine is owned legally by the investor.

He insisted that political leaders especially CHADEMA have been inciting the residents to invade the Mine and he named TUNDU LISU and MACHAGE BARTHOLOMEO. They have told the people that the Mine should be their property and they should go and take the gold. He mentioned factors that caused the invasion as:

- (a) The presence of many foreigners in the Nyamongo area with different characters/behaviours.
- (b) The rich have been offering money to the guards of the Mine so as to get the stones. While the poor residents cannot afford it and therefore most residents are angered and see that it is better they invade so that they get the stones because they are stopped by security guards. But the rich continue to have a good life. He named one of the rich people as MOHERE WANGI.
- (c) Barrick has been issuing many promises but with no implementation compared with the previous companies.

In order to reduce the ongoing risk of invasion he suggested that:-

- (a) To facilitate the cooperation with small scale miners who will give jobs to the unemployed youth;
- (b) Continue to provide education to the public about the importance of the investor and his rights;
- (c) A wide range of production activities should be facilitated;
- (d) Visitors should be monitored and coordinated;
- (e) Guards should perform their duties;
- (f) Political leaders to stop incitements.

CUSTOMARY ELDERS

MWIKWABE RYOBA MWITA

Secretary of the Wanyamongo and Kamambo tradition. He is 48 years old. He is a farmer who said that these conflicts are a result of Nyamongo residents being too much concerned with the extraction of gold. Many visitors have been coming from various parts. Due to frequent violence they have been holding conferences. For instance on 26.04.2011 the residents complained that the foreigners do not have good intentions compared to the residents of Nyamongo.

They requested a meeting with the state forces. They want peace. Resolutions of the meeting were that all visitors should return to their home and when they return to Nyamongo they should come with identification letters from the village elders with 4 copies and pictures.

The 05.16.2011 event where five people were killed was extremely upsetting and it is not supposed to have happened but was caused by:-

- (a) People from outside Nyamongo inciting the people of Nyamongo to invade the Mine;
- (b) Thugs engaging in that violence in order to acquire weapons from the police.

Some workers of the Mine are a problem. He mentioned JOHN BOSCO to be the source of having a bad relationship with the Mine and he has not been giving the leaders of the Mine the right information from the residents. Some police and guards of the Mine have been talking to the invaders after receiving bribe but when they see the village leaders coming to their areas they turn against them and ask them to leave and call them invaders. Others cannot afford this (giving bribe) and that is why they have no choice but to enter the pits by force. Guards would fulfil their duties if the violence was not there. Village leaders cannot afford to talk to the residents. Chairmen are the tender owners (suppliers to the Mine) and don't give out such positions to the unemployed youth. 1% Cash provided by the Mine for the villagers ends up in the hands of village leaders. Chairpersons of the village governments don't explain to the residents the agreements. The agreements are not clear, the Chairman of the Village Government has left the responsibility of protection and security to the elders of the traditions.

BAHATI CHACHA MASESE

He is 32 years. He is a ten cell leader staying at Nyangoto stated how he helped in establishing small pits for small scale miners and gave an example of a pit in Mirito which was opened and as a result clashes with the Mine were reduced.

WANGWE MUHERE

He is the chairman of traditional elders, he is 86 years old. He said that unemployment is the primary reason for the citizens to attack the Mine every time. Therefore if employment is offered to them, they will be more accountable since they know each other, and that the issue of people coming from different areas has caused the clashes. At the incident where five people were killed, he mentioned that it was not intentional. The police performed their duty and the youths were to blame.

B. CCTV TAPE.

The Committee had a chance to look at the videos which were taken through the invention of CCTV. That video showed how the police were fighting with many people who were throwing stones at the police at random. In that video the members saw how tear gas was used to scatter the people. It is said that around 1000 people participated in those clashes compared to a number of 40 police officers that were blocking them from entering into the Mine area. The battle happened inside the Mine area and the members were able to see a number of items that were damaged by the invaders by throwing stones and a number of the invaders were throwing back to the police the tear gas rounds. After a long battle between the police and the citizens, and police eventually run out of tear gas and rubber bullets, the people continued to throw stones at the guards. When the police were overpowered they were forced to build a fort in the nearby area of the mill plant. However, members were satisfied with the efforts made by the police officers in conjunction with the Mine to control the invaders. Members saw the 5 injured who were carried by police cars and that no man lost his life in the area of fighting between the invaders and the police.

C. VISITING THE AREA OF THE INCIDENT

The Committee of investigation managed to visit the scene to see the following: -

- a. Some people live very close to the Mine area.
- b. There are no barriers to entering into the Mine area and the previous barriers were damaged by the people who have been moving close to the Nyabirama pit which is close to the plant; (ROMPAD)
- c. Some sites are suitable for agriculture while other sites are not suitable for agriculture because of the rocks.
- d. Although citizens still primarily rely on the gold mining, still some other people are involved in livestock and agriculture.

4.0 RESULTS OF THE INVESTIGATION

Mine

During the inquiry the Committee has been able to identify the following as reasons for the invasion which happened on 16.05.2011 leading to the injury 8 people and subsequent deaths of the five people:

- i. Lack of employment for some young people and so they see that the Mine area is the only option for a livelihood.
- ii. Lack of activity for economic alternatives for the people living around the area of the Mine. Many Citizens do not involve themselves with farming, especially youths therefore, the group depends on the Minerals to survive.
- iii. Citizens of Nyamongo have developed the belief that no other activity may provide more income than the gold.
- iv. Failure to respect agreements previously signed between the villages and members of the Mine for development activities. The thinking by the people that the mine is still their property while it belongs to the property of the investor. Citizens of this area feel that they are the legitimate owners of the area.
- v. Some people are living near the Mine area, especially the village of Nyangoto and Kewanja. This becomes very easy to enter into the mining pits that have ongoing activities as they still need to live a better life.
- vi. Some Mine employees have been providing confidential information regarding several issues of the Mine to the people, especially professional geologists and drivers who carry the gold bearing rocks.
- vii. No security agreements between the Mine and the public.
- viii. Mine failed to fulfil some promises which involve the development of the villages surrounding the Mine.
- ix. Some police and Mine guards have been receiving bribes from some of the residents and they allow them to take gold bearing stones. Many village residents who have no money have continued to watch and this was a big factor in them deciding to invade the Mine.
- x. Some political parties especially CUF and CHADEMA have been persuading the public that the gold belonged to them and that they can pick it up at any time;
- xi. Some rich people have been using their money to bribe some police and enter the pits and blast the rocks;
- xii. Some village and ward officials have no moral leadership and introduced selfishness and failure to tell the public the truth about the Mine operations.
- xiii. Desires of some people wanting to acquire wealth easily.
- xiv. Some criminals have moved the young people who have no work to enter the Mine in order to loot weapons.
- xv. Before the event on 16.05.2011 there were many incidents related to invading the Mine and especially the area with gold bearing stones and this caused some policemen to be injured.
- xvi. In the event dated 16.05.2011, no one died in the area where the events took place. All the people who lost their lives had injuries and if they were sent to the health

centers early for treatment they would have recovered. One reason that led to loss of life is heavy bleeding after the injury and delays in getting medical attention.

- xvii. Police in the event of 16.05.2011 used all their skills as experts to stop the attackers, but the use of live bullets was a final decision and appropriate.
- xviii. If the police did not use fire they could have been stripped of their weapons and some of them would have lost lives and the Mine property could have been destroyed.
- xix. Nyamongo zone is occupied by people that come from far away but from two areas of the country.
- xx. Some of the traditional elders who tend to defend criminals do not speak on the issue of invasion with sincerity.

5.0. SUGGESTIONS.

Since the issue of invasion into the NORTH MARA GOLD MINE in Nyamongo does not have one permanent solution the Committee proposes the following matters to be considered by all three parties (the people, the government and the Mine):

- a. People living near the Mine in the villages especially Nyangoto, Kewanja and Matongo to relocate and leave these areas for their safety and for the investor to continue his work in security and freedom.
- b. Government needs to negotiate with the public before entering any agreement with an investor to hear the views of people;
- c. The Mine should fulfill its promise to cooperate with the villages to identify the key requirements for the villagers whose livelihoods were dependent on mining.
- d. Small scale miners must be properly equipped and given adequate education related to extraction of minerals. The government should participate actively in this exercise.
- e. Education for the general public that their relationships with the Mine should be good. People should understand that the Mine is the property of the investor and it should be protected and respected.
- f. Despite the fact that people oppose construction of the perimeter fence, the Committee emphasizes that the hall should be constructed surrounding all the pits for the safety of the mine.
- g. All police officers who are alleged and are proved to have received bribes particularly concerning the security of the Mine should have disciplinary actions taken against them;
- h. Employees of the Mine found to be leaking secrets of the Mine should be dismissed;
- i. Politicians should be warned from using their power to influence young people to invade the Mine;
- j. A population census should be given a priority to control the movement of strangers (especially those that are identified as offenders/criminals);
- k. The Government must continue to fight offenders, particularly in the Nyamongo area where they have been part of an incitement to commit offences.
- l. Each village should have security guards that are responsible for the Mine property. The security agreement should be signed off by all three relevant parties (the Mine, the government and the village residents/leaders)

6.0 CONCLUSION.

It is true that 8 people were injured in fighting between the police and the invaders within the area of the Mine near Nyabirama close to the rocks grinding mill. Among those injured five lost their lives after being taken to the services of a medical centre. The number of invaders was more than 1,000 people compared with the number of about 40 police officers who were at the scene.

The police took all the relevant precautions by trying to remove the invaders by using tear gas and rubber bullets but the people continued to move forward and threw stones at the police. This highlights that the citizens had different intentions which included to kill the policemen, looting weapons, taking gold stones, damaging the Mine property and endangering the lives of the Mine workers and some of the locals who did not participate in the attacks. This is attributed by time spent in the struggle between the civilians and the police which was over 4 hours.

The Committee was satisfied that the force used by police was appropriate according to the risk that was before them. The citizens should respect police duties when they are required to protect people and assets.

7.0. NAMES AND SIGNATURES OF THE MEMBERS OF THE INVESTIGATIONS TEAM

| Name | Title | Signature |
|-----------------------|--------------|------------------|
| 1. SACP LUCAS HAULE | - Chairman | |
| 2. SSP ERNEST KIMOLA | - Member | |
| 3. SSP BOYD MWAMBINGU | - Member | |
| 4. ISACK MAYEKA | - Member | |
| 5. STEPHEN MAKWEGA | - Member | |
| 6. ERICK MAKWELWE | - Secretary | |