

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE SUB-REGISTRY OF MUSOMA
AT MUSOMA**

LAND CASE No. 04 OF 2023

BETWEEN

MODESTA MAHANDO MATIKO	1ST PLAINTIFF
MBUSIRO ROSWE NYAMBACHA	2ND PLAINTIFF
AHMED IBRAHIM MSIRA	3RD PLAINTIFF
KISIRI WAMBURA KISIRI	4TH PLAINTIFF
LAWE CHACHA MHABE	5TH PLAINTIFF
EMMANUEL WAMBURA CHACHA	6TH PLAINTIFF
SUZANA BHOKE RANGE	7TH PLAINTIFF
MUBUSI MARWA CHACHA	8TH PLAINTIFF
FILOMENA M. MAGAIWA	9TH PLAINTIFF
CHACHA NYAISARI CHACHA	10TH PLAINTIFF
SAMWEL MARWA KIBE	11TH PLAINTIFF
CHACHA MAHANDO MATIKO	12TH PLAINTIFF
MUGOSI SAGIRE KIMURU	13TH PLAINTIFF
ANNA GICHOGO CHACHA	14TH PLAINTIFF
CHACHA MOHABE MWITA	15TH PLAINTIFF
MSABI PIUS	16TH PLAINTIFF
MAGRETH P. PIUS	17TH PLAINTIFF
RYOBA GICHONGE NYAMATENDE	18TH PLAINTIFF
KEMERO MARWA MACHOLI	19TH PLAINTIFF
NCHAMA IROGA CHRISTOPHER	20TH PLAINTIFF
LILIAN NYAMAINA	21ST PLAINTIFF
CHACHA WAMBURA NYANKENA	22ND PLAINTIFF
PETER MAHANDO MATIKO	23RD PLAINTIFF
MGESI NYANG'OMBE RANGE	24TH PLAINTIFF

PETRO MWITA RHOBİ 25TH PLAINTIFF
STEVEN WAMBURA CHACHA 26TH PLAINTIFF
WEMA RAZACK MANINGO 27TH PLAINTIFF
MGAYA BİSAKU CHACHA 28TH PLAINTIFF

VERSUS

NORTH MARA GOLD MINE LIMITED DEFENDANT

CERTIFICATE OF EXTREME URGENCY

I, **JUVENALIS MOTETE**, the Plaintiffs' duly instructed Advocate hereby certifies that hearing of this suit is of utmost urgency owing to the following reasons:

1. That the Defendant has unlawfully acquired, alienated, demolished and evicted the Plaintiffs from their respective pieces of land in Komarera Village within Tarime District.
2. That in the course of the said unlawful acquisition, alienation, demolition and eviction, the Defendant also destroyed the Plaintiffs' houses, crops, and various types of stored grains and cereals; the Plaintiffs have been left without any means of livelihood.
3. That unless this matter is heard urgently, the Respondents' malicious and unlawful actions are likely to continue causing irreparable loss on the lives of the Plaintiffs.

Dated at Tarime this 25th day of January, 2023

.....
Advocate for the Plaintiffs

Presented for filing this 7th day of February, 2023

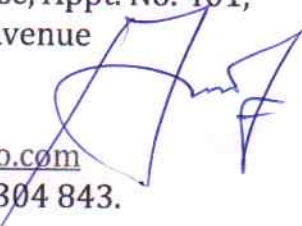
.....
Registry Officer

COPY TO BE SERVED UPON: -

The General Manager,
North Mara Gold Mine Limited,
P. O. Box 422,
Tarime, Mara.

DRAWN & FILED BY: -

Juvenalis Motete, Advocate
Planet Attorneys,
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FILOMENA M. MAGAIWA 9TH PLAINTIFF
CHACHA NYAISARI CHACHA 10TH PLAINTIFF
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MSABI PIUS 16TH PLAINTIFF
MAGRETH P. PIUS 17TH PLAINTIFF
RYOBA GICHONGE NYAMATENDE 18TH PLAINTIFF
KEMERO MARWA MACHOLI 19TH PLAINTIFF

DATE OF FILLING ONLINE	27/9/2023
DATE OF ADMISSION ONLINE	30/1/2023
DATE OF CREATING THE CONTROL NO.	2/2/2023
DATE OF PAYMENT OF FEES	6/2/2023
RECORD MANAGEMENT ASISTANT'S NAME	D. C. MAKUNDA
DATE	

NCHAMA IROGA CHRISTOPHER	20 TH PLAINTIFF
LILIAN NYAMAINA	21 ST PLAINTIFF
CHACHA WAMBURA NYANKENA	22 ND PLAINTIFF
PETER MAHANDO MATIKO	23 RD PLAINTIFF
MGESI NYANG'OMBE RANGE	24 TH PLAINTIFF
PETRO MWITA RHOBBI	25 TH PLAINTIFF
STEVEN WAMBURA CHACHA	26 TH PLAINTIFF
WEMA RAZACK MANINGO	27 TH PLAINTIFF
MGAYA BISAKU CHACHA	28 TH PLAINTIFF

VERSUS

NORTH MARA GOLD MINE LIMITED DEFENDANT

PLAINT

The Plaintiffs herein above named wish to state as follows: -

1. That the Plaintiffs are natural persons residing and working for gain in Komarera Village, Nyamwaga Ward within Tarime District in Mara Region. Their address of service for the purposes of this suit shall be in the care of: -

Juvenalis Motete, Advocate,
Planet Attorneys,
4th Floor Holland House,
Plot No. 761, Block 32,
Samora Avenue/Ohio Street,
P. O. Box 72510,
DAR ES SALAAM
Email: jmotete@yahoo.com
Mobile No. +255 754 304 843.

2. That the Defendant is a limited liability company duly incorporated and existing under the Companies Act Cap. 212 of the Laws of Tanzania, and which is ostensibly licensed to explore, mine, process and sell minerals. Currently, the Defendant is executing a large scale gold mining operation in Nyamongo Area within Tarime District, whose operations have recently included land acquisition

and alienation from the Plaintiffs. Its address of service for purposes of this suit shall be in the care of: -

The General Manager,
North Mara Gold Mine Limited,
P. O. Box 422,
Tarime, Mara.

3. That the Plaintiffs' claim severally and jointly as against the Defendant is for payment of **TZS. 9,786,000,000/=** being compensation (based on the current prevailing land market rates, construction rates, and market rates of other destroyed properties as obtaining within Tarime District) in respect of their lands, buildings, crops and other items that have been unlawfully and forcefully acquired by the Defendant. Of the total claim, the share of each Plaintiff is as hereunder: -

(i) That the 1st Plaintiff's claim against the Defendant is for payment of **TZS. 919,000,000/=** with respect to four (4) pieces of land as follows:

(a) TZS. 780,000,000/= with respect to forcefully acquired and uncompensated 2 acres of land, demolished 7 houses (4 of which were roofed with iron sheets and 3 were thatched with grasses), 3 local grain storage facilities (i.e. "maghala"), 1 bathroom, 1 toilet, fence engulfing the entire homestead, 1 cow shed, and trees all of which were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/317;

(b) TZS. 35,000,000/= being compensation for a quarter of an acre piece of land (of which only TZS. 550,000/= was paid), as well as compensation for a total of 2240 various types of trees (comprising 6 eucalyptus trees, 306 mango trees, 1253 *chapa bunduki* trees, 673 guava trees, and other types of trees) all of which were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/339. Copy of Valuation Form No. 3 with valuation number VAL/NMGM/TRM/KMR/339 dated 14/07/2021 that was prepared by the Defendant and countersigned by the 1st Plaintiff is attached hereto as **Annex PA-1** forming part of this Plaint;

(c) TZS. 49,000,000/= being compensation for a quarter of an acre piece of land (of which only TZS. 310,000/= was paid), as well as compensation for a total of 3185 various types of trees (comprising 1071 *ndege chai* trees, 1270 eucalyptus trees, 208 mango trees, 176 avocado trees, 192 orange trees, 87 cashew nut trees, 181 guava trees, and other types of trees) all of which were identified and verified by the Defendant and assigned valuation number

VAL/NMGM/TRM/KMR/340. Copy of Valuation Form No. 3 with valuation number VAL/NMGM/TRM/KMR/340 dated 14/07/2021 that was prepared by the Defendant and countersigned by the 1st Plaintiff is attached hereto as **Annex PA-2** forming part of this Plaintiff; and

- (d) TZS. 55,000,000/= being compensation for a quarter of an acre piece of land (of which only TZS. 500,000/= was paid), as well as compensation for a total of 3060 various types of trees (comprising 1101 *ndege chai* trees, 1271 eucalyptus trees, 239 mango trees, 105 avocado trees, 278 orange trees, 66 cashew nut trees, and other types of trees) all of which were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/341. Copy of Valuation Form No. 3 with valuation number VAL/NMGM/TRM/KMR/341 dated 14/07/2021 that was prepared by the Defendant and countersigned by the 1st Plaintiff is attached hereto as **Annex PA-3** forming part of this Plaintiff.
- (ii) That the 2nd Plaintiff's claim against the Defendant is for payment of **TZS. 1,050,000,000/=** being compensation for a 7-acre piece of land; demolished 5 houses constructed of stones and roofed with iron sheets, 4 *msonge* houses, 1 toilet, 1 bathroom, 2 cemeteries, one fence wall, and 2 grain storage facilities; as well as compensation for various types of plants, trees and crops that comprised aloe vera plants, banana trees, palm trees, and natural trees. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/1216. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 2nd Plaintiff.
- (iii) That the 3rd Plaintiff's claim against the Defendant is for payment of **TZS. 350,000,000/=** being compensation for half of an acre piece of land; demolished 3 houses roofed with iron sheets each with 2 bedrooms and 3 *msonge* houses, 1 kitchen and 1 toilet constructed of stones; as well as compensation for various types of trees and crops comprising banana trees, *chai chai* plants, eucalyptus trees, coffee trees, avocado trees, sisal plants, natural trees, and various types of flowers. All these assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/160. Copy of Valuation Form No. 3 with the said valuation number VAL/NMGM/TRM/KMR/160 dated 7/7/2021 that was prepared by the Defendant and countersigned by the 3rd Plaintiff is attached hereto as **Annex PA-4** forming part of this Plaintiff.

- (iv) That the 4th Plaintiff's claim against the Defendant is for payment of **TZS. 400,000,000/=** being compensation for a piece of land measuring 200 by 160 meters; demolished 1 house constructed of stones and roofed with iron sheets, 3 houses thatched with grass and 1 cow shed; as well as compensation for various types of trees and crops that comprised 1500 timber wood trees. 4 orange trees, 3 pawpaw trees, 12 banana trees, palm trees, and natural trees. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/1979. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 4th Plaintiff.
- (v) That the 5th Plaintiff's claim against the Defendant is for payment of **TZS. 250,000,000/=** being compensation for half an acre piece of land; demolished 5 *msonge* houses, 1 toilet, 1 bathroom, 1 local grain storage facility, and 1 fence; as well as compensation for a farm with 500 various types of trees, 12 sisal plants, various types of flowers, and various types of fruit trees. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/588. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 5th Plaintiff.
- (vi) That the 6th Plaintiff's claim against the Defendant is for payment of **TZS. 680,000,000/=** being compensation for half of an acre piece of land; demolished 6-bedroomed house constructed of stones and roofed with iron sheets, 2-bedroomed house constructed of wood but roofed with iron sheets, 1 toilet, 1 kitchen constructed of wood but roofed with iron sheets, and a fence engulfing the entire home; as well as compensation for various types of natural trees and crops. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/1213. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 6th Plaintiff.
- (vii) That the 7th Plaintiff's claim against the Defendant is for payment of **TZS. 280,000,000/=** being compensation for a quarter of an acre piece of land; demolished 2 houses roofed with iron sheets, 1 kitchen constructed of wood but roofed with iron sheets, and a fence engulfing the entire home; as well as compensation for various types of natural trees and crops. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/85. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 7th Plaintiff.

- (viii) That the 8th Plaintiff's claim against the Defendant is for payment of **TZS. 190,000,000/=** being compensation for a quarter of an acre piece of land; 4 demolished *msonge* houses constructed of stones, 1 cemetery, 1 local grain storage facility; as well as compensation for various types of natural trees and crops that included banana trees, mango trees, orange trees, avocado trees, and various types of timber wood trees. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/701. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 8th Plaintiff.
- (ix) That the 9th Plaintiff's claim against the Defendant is for payment of **TZS. 330,000,000/=** being compensation for half of an acre piece of land; 3 demolished houses 1 of which was constructed of stones and the other 2 were constructed of wood but all roofed with iron sheets, 3 demolished *msonge* houses, and 1 toilet; as well as compensation for various types of natural trees and crops that included banana trees, mango trees, orange trees, avocado trees, sisal plants, and various types of timber wood trees. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/701. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 9th Plaintiff.
- (x) That the 10th Plaintiff's claim against the Defendant is for payment of **TZS. 326,000,000/=** being compensation for one-and-half acres' piece of land; 6 demolished *msonge* houses, 2 cow sheds, 2 local grain storage facilities; as well as compensation for a total of 1700 wood timber trees, natural trees, and 400 sisal plants. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/515. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 10th Plaintiff.
- (xi) That the 11th Plaintiff's claim against the Defendant is for payment of **TZS. 790,000,000/=** being compensation for 2 pieces of land both measuring half of an acre arrived at as follows: -
- (a) TZS. 640,000,000 being compensation for one quarter of an acre piece of land; 1 demolished house with 8 bedrooms that was constructed of burnt bricks and roofed with iron sheets, and 1 toilet; as well as compensation for various types of trees including but not limited to orange trees, sisal plants, mango trees, and lemon trees. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/3773. Thereafter, Valuation Form No. 3

was prepared by the Defendant and countersigned by the 11th Plaintiff; and

- (b) TZS. 150,000,000 being compensation for one quarter of an acre piece of land; 1 demolished house with 1 bedroom and 1 sitting room; as well as compensation for a total of 1543 various types of timber wood. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/2321. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 11th Plaintiff.
- (xii) That the 12th Plaintiff's claim against the Defendant is for payment of **TZS. 110,000,000/=** being compensation for a quarter of an acre piece of land; 1 demolished house constructed of stones and roofed with iron sheets, 1 *msonge* house constructed of stones, a fence wall constructed of stones engulfing the whole homestead; as well as compensation for various types of flowers. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/1285. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 12th Plaintiff.
- (xiii) That the 13th Plaintiff's claim against the Defendant is for payment of **TZS. 780,000,000/=** being compensation for quarter of an acre piece of land; 1 demolished 16-bedroomed house constructed of burnt bricks, plastered and roofed with iron sheets, 1 demolished 3-bedroomed house constructed of stones but roofed with iron sheets, 1 demolished slope house with one bedroom, 2 toilets, 2 bathrooms, 2 *msonge* kitchen houses, 1 deep water well, and a fence engulfing the entire homestead constructed of stones; as well as compensation for 200 various types of flowers, 2 pawpaw trees, 2 avocado trees, 2 banana trees, 5 natural trees, and 10 olive trees. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/942. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 6th Plaintiff.
- (xiv) That the 14th Plaintiff's claim against the Defendant is for payment of **TZS. 220,000,000/=** being compensation for a one-acre piece of land; 4 demolished 2-bedroomed houses constructed of wood but roofed with iron sheets, and 1 toilet; as well as compensation for various types of trees comprising timber wood trees, mango trees, and cassava. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/1873. Thereafter, Valuation

Form No. 3 was prepared by the Defendant and countersigned by the 15th Plaintiff.

- (xv) That the 15th Plaintiff's claim against the Defendant is for payment of **TZS. 200,000,000/=** being compensation for a quarter of an acre piece of land; 4 demolished *msonge* houses, 2 cemeteries, and 1 cow shed; as well as compensation for 400 various types of trees, and 600 sisal plants. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/586. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 16th Plaintiff.
- (xvi) That the 16th Plaintiff's claim against the Defendant is for payment of **TZS. 320,000,000/=** being compensation for a quarter of an acre piece of land; 3 demolished houses roofed with iron sheets, 6 *msonge* houses; as well as compensation for various types of flowers, timber wood trees, and avocado trees. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/3560. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 17th Plaintiff.
- (xvii) That the 17th Plaintiff's claim against the Defendant is for payment of **TZS. 290,000,000/=** being compensation for a quarter of an acre piece of land; 3 demolished houses roofed with iron sheets, 2 *msonge* houses, and 1 toilet; as well as compensation for various types of flowers, sisal plants, and banana trees. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/3580. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 18th Plaintiff.
- (xviii) That the 18th Plaintiff's claim against the Defendant is for payment of **TZS. 170,000,000/=** being compensation for half an acre piece of land; 4 demolished *msonge* houses, 1 toilet, and 1 *msonge* kitchen; as well as compensation for various types of flowers. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/1218. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 19th Plaintiff.
- (xix) That the 19th Plaintiff's claim against the Defendant is for payment of **TZS. 350,000,000/=** being compensation for a quarter of an acre piece of land; 3 demolished houses two of which were constructed of stones and 1 constructed of burnt bricks, 2 *msonge* houses constructed of stones, 1 toilet; as well as compensation for 550 various types of flowers, timber wood trees, cashew nut trees, *mlonge* trees, sisal plants,

and aloe vera plants. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/1215. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 20th Plaintiff.

- (xx) That the 20th Plaintiff's claim against the Defendant is for payment of **TZS. 350,000,000/=** being compensation for half of an acre piece of land; 2 demolished houses, one with 6 bedrooms and the other with 3 bedrooms but both roofed with iron sheets; as well as compensation for aloe vera plants, sisal plants, guava trees, *miti maji*, and various types of flowers. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/2320. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 21st Plaintiff.
- (xxi) That the 21st Plaintiff's claim against the Defendant is for payment of **TZS. 220,000,000/=** being compensation for half of an acre piece of land; 1 demolished 4-bedroomed house constructed of stones, 1 toilet, and 1 kitchen; as well as compensation for various types of trees and plants including *miti maji*, sisal and aloe vera plants. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/2295. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 22nd Plaintiff.
- (xxii) That the 22nd Plaintiff's claim against the Defendant is for payment of **TZS. 200,000,000/=** being compensation for piece of land measuring 60 by 53 meters; demolished 14 *msonge* houses constructed of stones, 1 toilet constructed of stones, 1 local grain storage facility; as well as compensation for various types of trees and crops that comprised banana trees, *ndege chai* trees, avocado trees, guava trees, mango trees, timber trees, sisal, and *mti kunuka*. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/797. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 23rd Plaintiff.
- (xxiii) That the 23rd Plaintiff's claim against the Defendant is for payment of **TZS. 111,000,000/=** being compensation for 2 pieces of land both measuring half an acre as follows: -
- (a) TZS. 63,000,000/= being compensation for a quarter of an acre piece of land as well as compensation for a total of 1543 various types of trees (comprising 522 eucalyptus trees, 192 mango trees, 109 *Mlonge* trees, 324 *ndege chai* trees, 83 coffee trees, 109 avocado trees, 88 orange trees, 116 cashew nut trees, and other

types of trees) all of which were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/337. Copy of Valuation Form No. 3 with valuation number VAL/NMGM/TRM/KMR/337 dated 14/07/2021 that was prepared by the Defendant and countersigned by the 24th Plaintiff is attached hereto as **Annex PA-6** forming part of this Plaint; and

- (b) TZS. 48,000,000/= being compensation for a piece of land measuring one quarter of an acre as well as compensation for a total of 1167 various types of trees (comprising 416 eucalyptus trees, 160 mango trees, 227 *chapa bunduki* trees, 102, coffee trees, 103 avocado trees, 96 orange trees, 63 cashew nut trees, and other types of trees) all of which were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/338. Copy of Valuation Form No. 3 with valuation number VAL/NMGM/TRM/KMR/338 dated 14/07/2021 that was prepared by the Defendant and countersigned by the 25th Plaintiff is attached hereto as **Annex PA-7** forming part of this Plaint.
- (xxiv) That the 24th Plaintiff's claim against the Defendant is for payment of **TZS. 100,000,000/=** being compensation for half of an acre piece of land, as well as compensation for various types of trees (comprising 268 *ndege chai* trees, 2215 eucalyptus trees, 10 *mlonge* trees, 2 orange trees, 99 aloe vera plants, 11 sisal plants, 33 mango trees, 27 pawpaw trees, 10 soya plants, and several sugar cane plants. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/3564. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 25th Plaintiff.
- (xxv) That the 25th Plaintiff's claim against the Defendant is for payment of **TZS. 150,000,000/=** being compensation for half of an acre piece of land, as well as compensation for the demolished 4 houses each with 2 bedrooms all constructed of stones and roofed with iron sheets. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/219. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 27th Plaintiff.
- (xxvi) That the 26th Plaintiff's claim against the Defendant is for payment of **TZS. 50,000,000/=** being compensation for a quarter of an acre piece of land, 2 houses constructed of stones but roofed with iron sheets, one

with 2 bedrooms and the other with 1 bedroom, as well as compensation for various types of crops comprising aloe vera plants, natural trees, and *michai chai* plants. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/2398. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 28th Plaintiff.

(xxvii) That the 27th Plaintiff's claim against the Defendant is for payment of **TZS. 150,000,000/=** being compensation for a quarter of an acre piece of land, 1 demolished house with 3 bedrooms constructed of cement bricks and roofed with iron sheets, as well as compensation for various types of crops comprising aloe vera and sisal plants. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/2256. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 29th Plaintiff.

(xxviii) That the 28th Plaintiff's claim against the Defendant is for payment of **TZS. 450,000,000/=** being compensation for a quarter of an acre piece of land, as well as compensation for the demolished 3 houses all constructed of stones, plastered and roofed with iron sheets; and 2 *msonge* houses thatched with grass. All those assets were identified and verified by the Defendant and assigned valuation number VAL/NMGM/TRM/KMR/570. Thereafter, Valuation Form No. 3 was prepared by the Defendant and countersigned by the 30th Plaintiff.

4. That further to the claims alluded to under paragraph 3 above, the Plaintiffs jointly and severally seek for a declaration that the forceful eviction and alienation that has been carried out by the Defendant is unlawful and is in violation of the Plaintiffs' rights to life, work, own property, and dignity; a claim for payment of accommodation allowances, transport allowances, disturbance allowances, and loss of profit allowances; as well as a claim for 10% stake in the intended project for which the unlawful acquisition and alienation have been effected or 10% of the value of gold produced from their land, whichever is higher.
5. That for so many years the Plaintiffs have been lawful owners of their respective pieces of land in Komarera Village within Tarime District all of which have been described in paragraph 3 herein above. The Plaintiffs' ownership of those pieces of land under unregistered customary rights of occupancy traces its history from their forefathers from time immemorial. The Plaintiffs' lives have at all times been dependent on that land as they have been using it for all of their economic, social and cultural activities.

6. That sometimes in the first half of 2020, rumors spread around Komarera Village that the Defendant was intending to acquire a certain land (that includes the Plaintiffs' land) adjoining Nyabigena Pit. The rumors had it further that the intended acquisition was aimed at expanding the Defendant's highly profitable mining activities by extending to and covering the Plaintiffs' farmlands and settlement areas. However, no formal notices were thereafter issued by the Defendant subsequent to those rumors.
7. That notwithstanding the fact that no notice of the intended acquisition and alienation was issued by the Defendant, on 28th June 2021, the Tarime District Council issued the Plaintiffs with Land Form No. 69 advising them of their right to demand/claim for compensation of land and unexhausted improvements under section 3(1) of the Land Act No. 4 & 5 of 1999 should their land be acquired. Also, the Plaintiffs were notified that each one of them would be informed on the date the verification exercise would be conducted and that after the said verification exercise each of the Plaintiffs would be issued with Valuation Form No. 3 detailing their respective properties. Copies of Land Form No. 69 dated 28/06/2021 are attached hereto collectively marked as **Annex PA-8** forming part of this Plaint.
8. That to the dismay and surprise of the Plaintiffs, the verification exercise commenced simultaneous to issuance of Land Form No. 69 and without any notification and contrary to the advice contained in Land Form No. 69. Regardless of the contradiction, the verification exercise was accomplished between July and August 2021 with the signing and countersigning of Valuation Form No. 3. However, save for the 1st, 3rd, and 23rd Plaintiffs who through their ingenuity were able to access and obtain copies of Valuation Form No. 3 for their respective properties, all the other Plaintiffs were not availed with, or were not allowed to retain, copies of the said Valuation Form No. 3.
9. That the Plaintiffs were lawful owners of their respective pieces of land at the commencement of the valuation exercise. Each of the Plaintiffs had unexhausted improvements of various categories ranging from permanent buildings, various types of natural and planted trees, and various types of plants and crops that were at different stages of growth. Most of those unexhausted improvements were contained in Valuation Form No. 3, regardless of the disagreements between the Plaintiffs and the Defendant on the completeness of the information captured therein.
10. That as from August 2021, there was total silence from the Defendant regarding the progress of the hitherto ongoing valuation exercise which was being carried out secretly and without consulting or engaging the Plaintiffs. The Plaintiffs were left in the dark with respect to their fate, and no valuation compensation schedules were ever shared for review and/or confirmation by the Plaintiffs.

11. That to the astonishment of the Plaintiffs, from 17/12/2022 to 04/01/2023 the Defendant forcefully, unlawfully and without any color of right, and without compensation alienated and evicted the Plaintiffs from their respective pieces of land to pave way for its unscrupulous expansion of mining activities within Komarera Village which extend to the Plaintiffs' settlements and farmland areas. This was done through indiscriminate demolition and pulling down of the Plaintiffs' unexhausted improvements as well as crushing home furniture and equipment, home utensils, food and beverage. Also, the Defendant destroyed local storage facilities in which were stored various items of grains, cereals and other food items.
12. That the Defendant's acquisition, alienation and demolition of the Plaintiffs' properties is unlawful, arbitrary and in violation of the Plaintiffs' Constitutional right to life and own property. It is unlawful for the Defendant to demolish and/or forcefully acquire the Plaintiffs' property without full, adequate and prompt compensation; hence the Plaintiffs have suffered damage for those unlawful actions. The Plaintiffs have also not been paid their statutory allowances such as accommodation, disturbance allowance, transport allowance and net profit for the loss of use of their respective pieces of land at Komarera Village.
13. That further to the foregoing, the Defendant's unlawful actions have rendered the Plaintiffs landless, homeless and without alternative lands to live on and carry out economic activities. These actions have caused the Plaintiffs to suffer distress, hardship and inconvenience. The Plaintiffs have been rendered economic destitute who depend on good Samaritans for accommodation and food.
14. That the timing of the said unlawful acquisition, alienation and demolition (i.e. during the short rain season from October to December, the festive season and January school fees obligations) leaves a lot to be desired. The Plaintiffs' food crops cultivated for the October - December rain season were completely destroyed in total disregard of the growth stage they had reached. Additionally, and as a result of the evictions, the Plaintiffs were unable to enjoy their Christmas and new year holidays; and have also been highly constrained in meeting their children's school needs.
15. That the Defendant's actions are also in violation of Mr. Mark Bristow, President and Chief Executive Officer, Barrick Gold Corporation (the Defendant's holding company), who is quoted at page 21 of the Annual Report 2019 directing that *"I have long argued that a good business should also be a good citizen. Particularly in emerging countries, mining companies have a moral obligation as well as a commercial motivation to minimize their impact on the environment, help develop economies and uplift communities through opportunity creation, skills transfer and*

quality of life improvement. If the mining industry is to survive in a changing world, it has to recognize society's new value priorities and adapt to behavioral expectations that go beyond profitability. Acknowledging that the value mining creates should be shared with all stakeholders is an important step in that direction."


16. The Defendant's unlawful acquisition of the Plaintiffs' properties has permanently displaced the Plaintiffs and altered for worse their social, economic, cultural and environmental status. The Plaintiffs have not been resettled or given alternative land.
17. That the cause of action arose in Tarime District within Mara Region and for the purposes of jurisdiction and court fees, the subject matter is over TZS. 1 Billion which is well within the jurisdiction of this Honorable Court.

REASONS WHEREOF, the Plaintiffs pray for: -

- (a) An order for a declaration that the forceful eviction and alienation that has been carried out by the Defendant is unlawful and is in violation of the Plaintiffs' rights to life, work, own property, and dignity;
- (b) An order restraining the Defendant, its agents and workmen from continuing to access and utilize the impugned land pending final determination of this matter as well as full compensation of the claimed amounts;
- (c) An order for payment of TZS. 9,786,000,000/= based on the current prevailing land market rates, construction rates, and market rates of other destroyed properties as obtaining within Tarime District;
- (d) An order for payment of accommodation allowances at the current prevailing market rate of TZS. 50,000/=per room per month from the demolition date to the date of full compensation; and thereafter the same accommodation allowances for 36 months from the date of compensation payment;
- (e) An order for payment of transport allowance for 12 tons of luggage up to 20 kilometers from the point of displacement;
- (f) An order for payment of disturbance allowance at 62% of the total value of the acquired land, value of crops, and value of buildings;
- (g) An order for payment of loss of profit for non-use of the acquired properties;
- (h) An order for payment of TZS. 200,000/= per day as subsistence allowance for each Plaintiff from the date of demolition to the date of judgment;
- (i) an order for payment of TZS. 30,000,000/= in favor of each Plaintiff as general damages for distress, hardship and inconvenience;

- (j) an order for payment of TZS. 30,000,000/= in favor of each Plaintiff as punitive damages for the Defendant's unlawful actions;
- (k) An order for payment of interest on the principal amount claimed under paragraphs (c) – (j) above at the prevailing commercial banks' lending rate of 23% from the 1st demolition date up to the date of judgment;
- (l) An order for payment of interest on the amount claimed in paragraphs (k) above at the court's rate of 12% from the date of judgment to the date of full payment;
- (m) An order that the Plaintiffs are entitled to a 10% stake in the intended project for which the unlawful acquisition and alienation have been effected or 10% of the value of gold produced from their land, whichever is higher;
- (n) An order that the costs arising from and incidental to this suit be borne by the Defendant;
- (o) An order for payment of interest on the costs at the Court rate of 7% from the date of the Plaintill full and final payment; and
- (p) Any other relief(s) this Honorable Court may in the circumstances deem fit and just to grant.

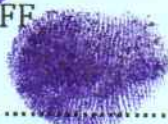
DATED at Tarime this 25th day of January, 2023.



 ADVOCATE FOR THE PLAINTIFFS



 2ND PLAINTIFF



 4TH PLAINTIFF



 6TH PLAINTIFF




 8TH PLAINTIFF



 10TH PLAINTIFF




 1ST PLAINTIFF




 3RD PLAINTIFF



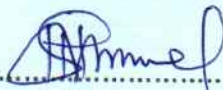
 5TH PLAINTIFF



 7TH PLAINTIFF



 9TH PLAINTIFF



 11TH PLAINTIFF

12TH PLAINTIFF

14TH PLAINTIFF

msabi

16TH PLAINTIFF

R

18TH PLAINTIFF

20TH PLAINTIFF

22ND PLAINTIFF

24TH PLAINTIFF

S. Wambura

26TH PLAINTIFF

mgaya B.

28TH PLAINTIFF

13TH PLAINTIFF

15TH PLAINTIFF

17TH PLAINTIFF

19TH PLAINTIFF

21ST PLAINTIFF

23RD PLAINTIFF

Petro mwita

25TH PLAINTIFF

Lazack

27TH PLAINTIFF

VERIFICATION

We, Modesta Mahando Matiko, Mbusiro Roswe Nyambacha, Ahmed Ibrahim Msira, Kisiri Wambura Kisiri, Lawe Chacha Mhabe, Emmanuel Wambura Chacha, Suzana Bhoke Range, Mubusi Marwa Chacha, Filomena M. Magaiwa, Chacha Nyaisari Chacha, Samwel Marwa Kibe, Chacha Mahando Matiko, Mugosi Sagire Kimuru, Anna Gichogo Chacha, Chacha Mohabe Mwita, Msabi Pius, Magreth P. Pius, Ryoba Gichonge Nyamatende, Kemero Marwa Macholi, Nchama Iroga Christopher, Lilian Nyamaina, Chacha Wambura Nyankena, Peter Mahando Matiko, Mgesi Nyang'ombe Range, Petro Mwita Rhobi, Steven Wambura Chacha, Wema Lazack Maningo, and Mgaya Bisaku Chacha, the above named Plaintiffs, do hereby verify that all what we have stated herein above in paragraphs 1, 2, 3, 3(i), 3(ii), 3(iii), 3(iv), 3(v), 3(vi), 3(vii), 3(viii), 3(ix), 3(x), 3(xi),

3(xii), 3(xiii), 3(xiv), 3(xv), 3(xvi), 3(xvii), 3(xviii), 3(xix), 3(xx), 3(xxi), 3(xxii), 3(xxiii), 3(xxiv), 3(xxv), 3(xxvi), 3(xxvii), 3(xxviii), 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 inclusive is true to the best of our own knowledge.

VERIFIED at Tarime this 25th day of January, 2023.

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1ST PLAINTIFF

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2ND PLAINTIFF

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3RD PLAINTIFF

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Mugos Sagire
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msabi
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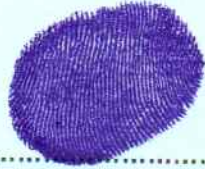
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21ST PLAINTIFF

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22ND PLAINTIFF



23RD PLAINTIFF

Petro mweta

25TH PLAINTIFF

[Signature]

27TH PLAINTIFF



24TH PLAINTIFF

S. Wambui

26TH PLAINTIFF

Margaret B.

28TH PLAINTIFF

Presented for filing this day of, 2023

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REGISTRY OFFICER

COPY TO BE SERVED UPON: -

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North Mara Gold Mine Limited,
P. O. Box 422,
Tarime, Mara.

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[Signature]