

Legal and Human Rights Centre



OPERESHENI TOKOMEZA UJANGILI REPORT 2014



PUBLISHERS

Legal and Human Rights Centre

Justice Lugakingira House, Kijitonyama
P.O. BOX 75254, Dar es Salaam, Tanzania
Tel.: +255222773038/48
Fax: +255222773037
Email: lhrc@humanrights.or.tz
Website: www.humanrights.or.tz

Arusha Office

Engira Road, Legal and Human Rights Centre
Plot No. 48, P.O. Box 15243, Arusha-Tanzania,
Phone: +255 27 2544187
Email: lhrcarusha@humanrights.or.tz

Legal Aid Clinic

660 Isere St., Kinondoni
P.O. Box 79633, Dar es Salaam, Tanzania
Phone/Fax: +255 22 2761205/6

Constitutional Database Office

LHRC Mbezi Beach
Off Upepo Avenue
House No. KAW/MZN/1725
P. O. Box 75254
Dar es Salaam

PARTNERS

KPMG-Act Tanzania
Embassy of Sweden
Royal Norwegian Embassy

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Editorial Board

Dr. Helen Kijo-Bisimba

Adv. Imelda Lulu Urrio

Adv Anna Henga

Rose Mwalongo

Felista Mauya

Castro Kalemera

Researchers/Writers

Mkuta A. Masoli

Layout & Design

Rodrick Maro

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LIST OF ABBREVIATIONS

CoD	Cause of Death
MP	Member of Parliament
NCAA	Ngorongoro Conservation Area Authority
TANAPA	Tanzania National Parks
TFS	Tanzania Forest Services
TPDF	Tanzania People's Defence Forces

PREFACE

The Legal and Human Rights Centre (LHRC) is a private, autonomous, voluntary non-governmental, non-partisan and non-profit sharing organization envisioning a just and equitable society. Its mission is to empower Tanzanians to promote, reinforce and safeguard human rights and good governance in the country. The broad objective is to create legal and Human Rights awareness among the public and in particular the underprivileged section of society through legal and civic education, advocacy linked with legal aid provision, research and human rights monitoring.

The LHRC was established in 1995 out of experiences and lessons generated from the Tanzania Legal Education Trust (TANLET) and the Faculty of Law of the University of Dar es Salaam (UDSM). Founders of the LHRC were young lawyers who had participated in the Legal Aid Committee of the Faculty of Law of the University of Dar-es-Salaam and its legal aid camps. They were somehow disillusioned by the nature of the State and its policies which were increasingly departing from the interests of majority of the people. They observed increased human rights violations such as land evictions of Maasai pastoralists, and human rights abuses to the people of Hanang, whose land had been acquired by the Government and turned into big wheat farms of NAFCO.

There were also alarming numbers of citizens in conflict with the law, mainly due to ignorance of the law. The human rights camps started to build awareness on Human Rights issues as clearly such issues were not known. TANLET founding members, who were also public servants working as lecturers with the University of Dar es Salaam (UDSM), thought of the risk involved in challenging the State, hence the idea of setting an independent Human Rights Centre. Its operations are mainly focused on Tanzania mainland, with specific interventions in Zanzibar. The LHRC is a member of different national, regional, international NGO networks and human rights bodies. It has an observer status with the African Commission on Human and Peoples Rights.

a) Vision

The LHRC envisages a just and equitable society. A just and equitable society is such a society where the three arms of state [Parliament, Judiciary, and the Executive] as well as non-state actors are practicing accountability, transparency, and there is rule of law; and where there is public awareness, respect and engagement for human rights and good governance; where justice and respect for human dignity are reality.

b) Mission

The LHRC is a non-partisan, non-profit sharing, non-governmental organization striving to empower the public, promote, reinforce and safeguard human rights and good governance in Tanzania through legal and civic education and information; sound legal research and advise; monitoring and follow up of human rights violations; and advocacy for reforms of policies, laws and practices in conformity with international human rights standards.

c) LHRC's Values

LHRC has a number of core values that guide the way its members, the board, staff and partners relate and operate. Values in the context of LHRC mean:

i. Integrity

LHRC strives to always uphold quality of being honest; trustworthy; adherence to moral and ethical principles; and being of strong moral uprightness. It means doing the right thing even when no one is watching. LHRC strives to be an organization that is able to be trusted as being honest, safe and reliable. LHRC will ensure that integrity underlies all of its operations.

ii. Equality

LHRC ensures that individuals or groups of individuals are treated fairly and equally and no less favorably, specific to their needs. LHRC does not discriminate against its clients and employees on the grounds of age, gender, nationality, tribe, place of origin, political opinion, race, colour, disability, occupation or any other status. LHRC when focuses on specific marginalized group will not contravene this principle in provision of services to just that group.

iii. Transparency

Save for circumstances where confidence is required, LHRC will ensure that it operates in an honest way of doing things that allows other people/stakeholders to know exactly what it is doing.

iv. Accountability

LHRC always positions itself to a situation in which people know who is responsible for something and can ask them to explain its state or quality. LHRC respects and discharges its duties for care. For its accountability is not an afterthought.

v. Professionalism

LHRC professionally handles all of its beneficiaries with competence, respect and courtesy. LHRC strives to provide timely and quality services to the society.

vi. Voluntarism and Volunteerism

LHRC staff operates and are guided by the spirit of volunteering by ensuring that they undertake their responsibilities willingly and with dedication, not necessarily working for payments but

working while believing more on the value of the work rather than the amount of money or material benefit that one gains.

CHAPTER ONE

INTRODUCTION

1.1 Wildlife and National Parks in Tanzania

Tanzania is blessed with a number of national parks and game reserves that are homes of wild animals. There are 16 National Parks in the country, covering an area of more than 42, 000 square kilometres. These national parks are: Arusha National Park; Gombe Stream National Park; Jozani Chwaka Bay National Park; Katavi National Park; Kilimanjaro National Park; Kitulo National Park; Lake Manyara National Park; Mahale Mountains National Park; Mikumi National Park; Ruaha National Park; Rubondo Island National Park; Saadani National Park; Saanane Island National Park; Serengeti National Park; Tarangire National Park; and Udzungwa Mountains National Park.

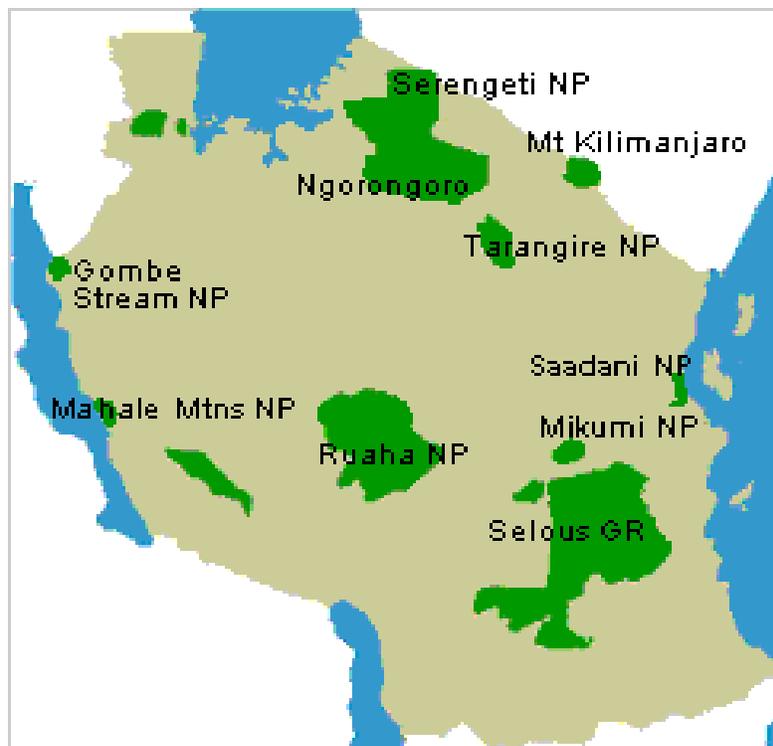


Plate No. 1: National parks in Tanzania

National parks contribute to Tanzania's economy through tourism, an industry that has been growing fast in the international business arena.¹ It promises to be a lucrative industry and provides valuable revenue, which helps to conserve the national parks,² deter illegal poaching activity and contributes to the country's Gross Domestic Product (GDP). National parks also help in preservation of the Tanzania's rich natural heritage and unlike other sectors, it is more environmentally friendly.

1.2 Poaching in Tanzania and Animals Mostly Targeted

Poaching refers to hunting, killing or capturing animals illegally, in contravention of laws protecting wildlife.³ It may involve hunting without having a permit, hunting in protected areas such as national parks, and hunting endangered wildlife.

Like many other countries in Africa, Tanzania is faced with the problem of poaching, which has hugely affected the tourism industry that earns the country 1.7 billion USD annually.⁴ The problem has been fueled by the growing demand for elephant tusks in the ivory trade black market in Asia, especially in China and Vietnam.⁵

During independence in 1961, Tanganyika (now Tanzania Mainland) had an elephant population of 350,000 elephants, but the numbers had dropped to 55,000 by 1989.⁶ Between 2002 and 2009, elephant population dropped from 130,000 to 109,000.⁷ In 2012, Tanzania had the second largest number of elephants in Africa at 110,000, with Botswana having the largest number, 123,000 elephants.⁸

Elephants and rhinos have been major targets for poachers as they seek to benefit from an illegal elephant ivory trade. Elephants are mostly targeted because their tusks are highly priced in the ivory black market in Asia.

¹ See James Lanka, *How wildlife resources can contribute to Tanzania's development*, Guardian on Sunday Newspaper, October 27 2013, available at <http://www.ippmedia.com/frontend/index.php/nguage.pd/s?l=60870>, accessed January 21 2014.

² See Tanzania National Parks website at http://www.tanzaniaparks.com/corporate_information.html

³ These laws include the Wildlife Conservation Act, 2013; the National Parks Act [CAP 282]; and the Ngorongoro Conservation Area Act [CAP 283].

⁴ The Citizen Newspaper, *EDITORIAL: What is our way forward after firing of ministers?* December 23, 2013.

⁵ China is the major market for illegal ivory from Africa.

⁶ Lucas Liganga, *Why Tanzania needs a smarter, all combating anti-poaching drive*, The Citizen Newspaper, November 18, 2013.

⁷ Ibid.

⁸ Apolinari Tairo, *Poaching threatens Africa elephants and tourism*, eTN Tanzania, Oct 05, 2012, Available at <http://www.eturbonews.com/31557/poaching-threatens-africa-elephants-and-tourism>, Accessed January 21, 2014.



Plate No. 2: Elephants have been mostly targeted by poachers as their tusks are in high demand in the black market

There are two main types of poachers, subsistence poachers and commercial poachers.⁹ These poachers are both local and from across Tanzania's borders in the neighbouring countries as well as from outside Africa. For example, there have been reports of poachers from Burundi, who have been caught in possession of elephant tusks and rhino horns.¹⁰ A report by the Elephant Trade Information System (EITS) indicates that some Chinese nationals in Tanzania, whose number has been growing rapidly, frequently engage in illegal ivory trade.¹¹ A good number of Chinese citizens in the country have been arrested for illegal possession of ivory, including three who were caught in November, 2013, in possession of 706 elephant tusks.

⁹Subsistence poachers are poachers who hunt for the purpose of providing for themselves and/or their families. Commercial poachers, on the other hand, are poachers who hunt wild animals in order to make profit or for economic gain.

¹⁰ Apolinari Tairo, *Poaching threatens Africa elephants and tourism*, eTN Tanzania, Oct 05, 2012, Accessed January 21, 2014.

¹¹ Ibid.



Plate No. 3: Chinese nationals caught in possession of elephant tusks in Dar es Salaam in October, 2013

1.3 International and Domestic Anti-corruption Efforts and Call for Anti-poaching Operation

Global anti-poaching efforts have been made over the years by different international institutions, including the World Wide Fund for Nature (WWF), the International Anti-Poaching Foundation (AIPF) and International Fund for Animal Welfare (IFAW). These institutions help to combat poaching in different parts of the world, including in African countries.

WWF is an international non-governmental organization that was established in 1961. Its activities are based on conservation, research and restoration of the environment. It works in more than 100 countries and supports more than 1000 conservation and environmental projects.

IAPF is a non-profit organization that is based in Australia that primarily focuses on wildlife conservation and mainly operates in Africa. It uses military-like approach to conservation to supplement Africa's anti-poaching efforts, which are usually under-funded and involve small groups of poorly equipped rangers.

IFAW was founded in 1969, aiming at saving individual animals, animal populations and habitats across the globe. It has projects in more than 40 countries and conducts anti-poaching and wildlife crime training in African countries, including the Democratic Republic of Congo (DRC), Kenya, Zambia, Chad, Cameroon and Tanzania.

At domestic level, the Government of Tanzania has over the years made a number of policies, legal and regulatory changes in an effort to combat poaching. Several wildlife and conservation laws have been enacted and amended, including the Forest Act, the Wildlife Conservation Act, Ngorongoro Area Conservation Act and Tourism Act. There is also the Tanzania National Wildlife Policy of 1998.

Several institutions have been established to protect the wildlife. These institutions include Tanzania National Parks (TANAPA)¹² and Ngorongoro Conservation Area Authority (NCAA).¹³ The Ministry of Natural Resources and Tourism is the overall in-charge of natural resources.

In 1989, the second term Government introduced anti-poaching operation codenamed Operation *Uhai*. The operation was conducted following a series of aerial surveys in game-controlled areas that revealed a steep decline of elephant population caused by commercial hunting.¹⁴ It was carried out by the combined forces of the Wildlife Department, Tanzania People's Defense Forces and the Police.

Operation *Uhai* commenced in June, 1989 and lasted until the year 1990. It resulted into the arrests of more than 2000 people and seizure of more than 10,000 weapons used by poachers during the operation.

There was also a call for another anti-poaching operation by different stakeholders in the country in 2013 due to escalating incidents of poaching activities. Responding to this call, on October 2013, the government, through the Ministry of Tourism and Natural Resources, planned a nationwide operation to combat poaching. The operation was code-named "*Tokomeza Ujangili*."

¹² A parastatal organization that is mandated to manage and regulate the use National Parks with the view of preserving the country's heritage of natural and cultural resources in Tanzania.

¹³ A government agency that administers the Ngorongoro Conservation Area (NCA)

¹⁴ Roderick P. Neumann (2001), "Self-Surveillance in Wildlife Conservation" in Nancy Lee Peluso & Michael Vatts (eds), *Violent Environments* (Cornell University Press), p. 321



Plate No. 4: Police officers inspecting bags filled with seashells and elephant tusks, seized at Malindi Port in Zanzibar in November, 2013 [Source: The Citizen Newspaper of November 18, 2013]

On October 4, 2013, the former Minister for Tourism and Natural Resources, Khamis Kagasheki said that anti-poaching officers could execute poachers on the spot. He made the controversial statement at the end of the International match for elephants organized by the Tanzania Association of Tour Operators in Arusha, he said:¹⁵

“Poachers must be harshly punished because they are merciless people who want only to kill our wildlife and sometimes wardens. The only way to solve this problem is to execute the killers on the spot.”

Anticipating a reaction from human rights activists, Mr. Kagasheki added:¹⁶

“I am well aware that some alleged human rights activists will make uproar, claiming that poachers have as much rights to be tried in courts as the next person, but let’s face it, poachers not only kill wildlife but also usually never hesitate to shoot dead any innocent person standing in their way.”

¹⁵ Peter Saramba, *Govt issues shoot-to-kill order in attempt to tackle poaching*, The Citizen Newspaper, October 5, 2013; David Smith, *Execute elephant poachers on the spot, Tanzanian minister urges*, The Guardian Newspaper, October 8, 2013.

¹⁶ Ibid.



Plate No. 5: Former Minister for Tourism and Natural Resources, Khamis Kagasheki

Operesheni Tokomeza Ujangili is thus the latest anti-poaching effort by the government of Tanzania. The operation was generally meant to address the poaching problem, which has been responsible for the declining number of elephants and rhinos and cause environmental destruction of the protected areas.

CHAPTER TWO

INCIDENTS OF HUMAN RIGHTS VIOLATIONS DURING OPERATION 'TOKOMEZA' AND MEASURES TAKEN BY THE LHRC

2.1 Incidents of Human Rights Violations

The LHRC received various reports of gross human rights violations as the *Tokomeza* Operation was underway. The reports came in less than a month since the operation commenced and were mainly on incidents of murder, rape, torture, and destruction of private property.

2.1.1 Murder

The LHRC received numerous reports of murder in different districts. These districts are: Babati; Tarime; Kasulu; Masasi; Ulanga; Urambo; and Kaliua. In one incident, a woman named Emiliana Gasper Maro from Gallapo Ward in Babati District was arrested by officers under Operation 'TOKOMEZA' and later died after she had been severely beaten. Emiliana was the wife of a poaching suspect, one Elias Cosmas.

In another incident, one Kipara Issa from Usinge Village in Kalua District, Tabora, died in the hands of anti-poaching officers after he had been badly beaten and injured. The said officers accused him of engaging in poaching activities and being in possession of unlicensed weapon that he was using in such activities. The Kaliua District Commissioner said that from what he knew, Mr. Kipara was an illegal immigrant and an armed robber, who was harbored by his wife, a police officer.



Plate No. 6: Kipara's house, which was invaded by anti-poaching officers

Other murder incidents reported were from Remagwe and Mrito villages in Tarime District, whereby Wegesa Kirigiti and Peter Masea were also killed. Baya Tambi was killed in Ulanga district; while as Mohamed Buto was killed in Masasi District. Elsewhere, Gervas Zoya was killed in Kasulu District, Kigoma.

2.1.2 Rape

There were also some reports of rape, whereby some women were raped and sodomized in Bariadi District and Ilanga District. One woman was reportedly raped by three soldiers at a gunpoint.

2.1.3 Torture

LHRC human rights monitor in Tabora reported several incidents of torture in the region. In one incident, a person called Juma Kunguwala, 39 years old, from Tutuo in Sikonge District was reported to have been severely tortured by anti-poaching officers. The said officers followed him at his house and arrested him on poaching suspicion on October 31, 2013. When the officers arrived at Mr. Kunguwala's house, they were with one Mode, whom they had arrested for his involvement in poaching activities and had told them that he had hidden his rifle used in poaching at Mr. Kunguwala's cowshed. The officers searched the cowshed and found the rifle. They then proceeded to also arrest Mr. Kunguwala, despite Mode assuring them that he was not involved in poaching activities and had no idea that there was a rifle hidden in his cowshed. The anti-poaching officers then severely tortured Mr. Kunguwala and ordered his family not to take him to the hospital, instead just wait and call them to come and pick his body if he dies. Nevertheless, his family took him to the hospital the next day when his condition had become more serious. At the hospital, it was revealed that Mr. Kunguwala had suffered severe injuries in different parts of his body and had to be hospitalized.



Plate No. 7: Juma Kunguwala at the hospital after he was tortured by anti-poaching officers

In another incident, also in Tabora, it was reported that a woman by the name of Joyce William Kasare, aged 35 and a resident of Chabutwa Ward in Sikonge District, also suffered at the hands of the anti-poaching officers, who badly beat her after accusing her of being in a relationship with a poaching suspect. They also accused her of being in possession of unlicensed weapon used in poaching activities.



Plate No. 8: Anti-poaching officer whipping a suspect

Tabu Maganga, a police officer and a wife of a poaching suspect called Kipara Issa, was severely beaten by anti-poaching officers who had come to arrest her husband and forced her to produce a weapon her husband allegedly used in poaching activities and armed robbery. The incident took place at Usinge village in Kaliua district. She was also humiliated by officers, who forced her to take her clothes off. The anti-poaching officers also beat and tortured Kipara's mother, Magreth Kajoro, and children aged between 13 and 17 years, who at the time were at the house at one point, anti-poaching officers put a gun on Magreth Kajoro's head, forcing her to produce a weapon that her son allegedly had.

Mustapha Masian (CHADEMA) was arrested by anti-poaching officers at Nyarukoba Ward, Tarime District Council in October, 2013. After the arrest, he was forced into a car and driven to the Lamai Camp (an interrogation camp) where he was severely tortured together with other persons who had also been arrested and detained there.



Plate No. 9: Mustapha Masian showing injuries and scars he sustained after he was captured by 'Operation Tokomeza Majangili' agents

2.1.4 Destruction and Stealing of Private Property

LHRC also received reports of incidences where civilians' properties were destroyed or outright stolen by anti-poaching officers. Properties stolen were cattle and cash. Some houses were also reportedly burnt by anti-poaching officers.



Plate No. 10: Remains of a house burnt by anti poaching agents at Minziro village, Kagera region

2.1.5 Killing of Animals in Tarime

Many livestock were cruelly butchered during ‘Operesheni Tokomeza Ujangili’. Our human rights monitors in Mara reported several incidences where livestock belonging to poaching suspects were killed by anti-poaching agents. About 184 livestock were butchered by anti-poaching officers near Serengeti National Park, 67 of which were cows, 113 goats, and 4 sheep. The anti-poaching organs alleged that animals were found in the national park, but the Village Chairperson of Kegonga Village, Mr. Tugara, strongly refuted this claim. He further told human rights monitors that he was very aggrieved by the way anti-poaching officers were conducting the operation, he termed as ‘unfair’ and in total disregard of legal procedures, leading to massive violations of human rights. He also mentioned names of some of the people whose livestock were killed and the number of livestock each lost. Those who lost their cattle with its numbers in brackets were Mr. Magaiwa Kemore(7), Ryoba Nyamohanga(2), Mwitwa Ryoba(3), Daniel Giboswa(2), Chacha Marwa (5), Nchaguru Mokami(3), Buraga Buraga (1). Mtatiro Marwa (3), Mwitwa Nyamohanga (3), Charles Petro(4), Chacha Keroka(3), Matiko Wantahe(5). Others were Chacha Matiko (2), Sasi Marwa (1), Mwitwa Gugura (6), Getaro Teroge (4), and Chacha Paulo (3). Also in the list were Marwa Mwera (2), Juma Kemore (3), and Makuru Chacha (2), Wambura Nyamhanga (1) and Waisiko Mwitwa (2).



Plate No. 11: A resident of Kegonga village shows a casing of one of the bullets used to shoot and kill livestock.

2.2 LHRC's View on the Violations of Human Rights During the Operation

The acts of torture, murder, rape, destruction of private property, public humiliation, and stealing perpetrated by some anti-poaching officers contravenes basic human rights. Several rights were violated as a result of these acts. These rights are: the right against torture, which is constitutional¹⁷ and provided for in regional¹⁸ and international instruments;¹⁹ the right to life guaranteed under the Tanzanian Constitution²⁰ and regional²¹ and international instruments;²² right to own property, which is also constitutional;²³ right to life with dignity;²⁴ right to fair trial;²⁵ and constitutional right to be presumed innocent until proven guilty,²⁶ among others.

2.3 Measures taken by the LHRC to Address the Matter

LHRC took several measures to address human rights violations during 'Operesheni Tokomeza Ujangili', including issuing a press statement condemning acts of human rights violations perpetrated by anti-poaching officers, intervening on behalf of some poaching suspects, meeting with the Director of Criminal Investigation (DCI), meeting with a member of the parliamentary probe team formed to evaluate the operation, and preparing TV programs to address human rights violations during the operation, calling for the guilty parties to be held accountable. It also intervened in the case of one Emiliana Gasper Maro, who was killed during the operation.

2.3.1 Issuance of Press Statement Condemning Violations and Calling for a Probe into the Operation

On 4th November, 2013, the LHRC issued a press statement with regard to violations of human rights during the *Tokomeza* Operation. It condemned human rights violations that were taking place during the operation and called upon the government to take immediate steps to address the matter; including forming a probe team to investigate the way the operation was conducted. The LHRC strongly condemned the former Minister for Tourism and Natural Resources' 'shoot-to-

¹⁷ The Constitution of the United Republic of Tanzania, 1977, Article 13(6)(e) [*No person shall be subjected to torture or inhuman or degrading punishment or treatment*].

¹⁸ The African Charter on Human and Peoples Rights (ACHPR), 1981, Article 5.

¹⁹ The International Covenant on Civil and Political Rights (ICCPR), Article 7.

²⁰ The 1997 Tanzania Constitution, Article 14.

²¹ ACHPR, Article 4.

²² ICCPR, Article 6; Universal Declaration of Human Rights (UDHR), Article 3.

²³ The 1997 Tanzania Constitution, Article 24 [(1) *Every person is entitled to own property, and has a right to the protection of his property held in accordance with the law*].

²⁴ Ibid, Article 13(6)(d) [*For purposes of preserving the right or equality of human beings, human dignity shall be protected in all activities pertaining to criminal investigations and process, and in any other matters for which a person is restrained, or in the execution of a sentence*]; Article 12(2).

²⁵ Ibid, Article 13(6)(a); ICCPR, Article 9(3).

²⁶ The 1997 Tanzania Constitution, Article 13(6) (b) [*No person charged with a criminal offence shall be treated as guilty of the offence until proved guilty of that offence*].

kill' order, directing the anti-poaching officers to shoot the suspected poachers on the spot. It also called for resignation of Ministers whose ministries were involved in the operation. Ministries involved were for Tourism and Natural Resources, which planned the operation; the Ministry of Home Affairs; the Ministry of Livestock and Fisheries; and the Ministry of Defense and National Service.

The LHRC further urged the government to ensure that all anti-poaching officers who were involved in serious violations of human rights are brought to justice and poaching suspects detained in various interrogation camps are taken to police stations and later before courts of law for justice to take its course.

Furthermore, the LHRC emphasized on the need for the government to compensate anti-poaching operation victims who were wrongly targeted as well as hold accountable medical officers who wrote incorrect medical reports.

2.3.2 Meeting with Member of the Operation Tokomeza Parliamentary Probe Team

LHRC team was set up to meet with a member of the parliamentary probe team tasked with investigation, among other things, allegations of human rights violations during the operation. During the meeting, the LHRC shared information received with regard to incidents of human rights violations during the operation, including reports from Sikonge, Urambo, Babati, and Serengeti districts. Some pictures of victims were also shared with the probe team member, which he later shared with other MPs during the parliamentary session.

2.3.3 Publicizing the Operation and Calling for Accountability

The LHRC used TV and Radio Programmes to discuss shortcomings of the operation. For example, on November 8, 2013, a legal officer from LHRC was invited to a TV Programme called Kipima Joto in ITV in which he spoke about the operation and incidences of human rights violations, calling for those responsible to be held accountable and its victims to be compensated.

2.3.4 Intervening on Behalf of 13 Suspects accused of Poaching in Serengeti District

The LHRC paid a visit to Serengeti and intervened on behalf of 13 poaching suspects. An Advocate from the Arusha sub-office went to Serengeti to inquire about the whereabouts of the suspects, by interviewing other suspects who appeared in Court in Bunda. They revealed an interrogation camp called Lamai as a place where they were held after they had been arrested. The follow-up was made on from 4th November, 2013, upon receiving information about suspects from the Coordinator of Ngorongoro Non-Governmental Organisation Network (NNGONET), Mr. Samweli Naigrani.

It was reported that on 29th October, 2013, a group of anti-poaching officials, who were armed, arrested the Chairman of Ngorongoro Council, Mr. Elias Ngorisa, along with a member of the Council by the name of Jackson Sundeya in connection with unlawful dealing in government trophy. Victims were arrested during a council meeting and taken to Baragonja Camp at Mugumu for questioning; but were later transferred to another camp, Handajega which was identified as a torture camp referred to by the anti-poaching organs as “Guantanamo Bay.” At the camp, the two victims met with other poaching suspects who had been extremely tortured.

On 1st November, 2013, the two victims were joined with other suspects and taken to Bunda District Court to face prosecution. He appealed to NNGONET to request for LHRC’s intervention to help them and other suspects, who had been detained at Bunda Police Station for three days without being charged. Following the LHRC’s intervention, the 13 suspects were taken to Bunda District Court to hear the case against them. They were conditionally released by the Court and warned against committing any offence within the period of twelve months. They were also required to be good citizens.

Apart from successfully representing the victims in Bunda District Court, the LHRC team interviewed the victims, game scouts, police officers and the Magistrate about the “Tokomeza” operation. The team made the following findings:

- The cell at Bunda Police Station in which the suspects arrested during “Tokomeza” operation and accused of racketeering and dealing in government trophy were held was overcrowded. The team could not establish the exact number of suspects held there as the police there claimed to have no authority to provide any information about the operation. They said that only the operation leader, Major John Seleman Muyalla in the area could provide such information but he could not be reached because he was believed to be at a torture camp inside the Serengeti National Park.
- The “Tokomeza” operation suspects/victims revealed how the anti-poaching officers tortured people at Handajega camp, imposing on them some military drills and subjecting them to some inhuman and degrading punishments. Some detainees were stripped naked, tied with ropes, wetted with water mixed with salt and/pepper, before they received corporal punishment. All this was done in the name of getting a confession out of the detainees.
- Most of the suspects were arrested based on false information and there was no concrete evidence that they were involved in poaching activities or trade in government trophies. They were not found in possession of any trophies or items that could tie them to poaching activities.

- Some suspects/victims were arrested outside Serengeti in Shinyanga, Singida and Moshi but were taken to the Handajega Camp in Serengeti before they were taken to Bunda District Court along with other persons accused of engaging in poaching activities. For example, one Paul Derefa Mbolela, a businessman in Shinyanga, was arrested in Shinyanga together with four other suspects and taken to the Camp and later the Court.
- Most of the torture victims were left very tired and got sick due to the inhuman and degrading treatment they received from the anti-poaching officers. The LHRC observed victims at Bunda Police Station where most of them had wounds and scars.
- Suspects at the police station were denied bail as the Police apparently did not have mandate to grant them bail. Some of them were detained for up to two weeks without being taken to court in violation of criminal laws and procedures.
- Some of the suspects/victims could not survive the torture inflicted on them by anti-poaching officers and eventually died. For instance, one Lwigesa Mselega from Kibaso Village in Tarime, died on 31st October, 2013 as a result of severe torture at Lamai Camp. His body remained at the Bunda Hospital mortuary until 4th November, 2013 as relatives of the deceased refused to take it for burial.
- Suspects detained at Bunda Police Station were not charged with economic crimes. The Republic applied to the Court for the accused to furnish security for good behavior as habitual offenders. The application was made under s. 73 of the Criminal Procedure Act, Cap. 20 [R. E. 2002]. Suspects were warned by the Court and then discharged on condition that they do not commit any offence for a period of one year.
- Poaching suspects were condemned unheard.
- The Bunda Resident Magistrate Hon. S. H. Simbukwe revealed that Bunda District Court was overwhelmed with the floodgate of poaching cases brought before the Court without sufficient evidence. Prisons were also overcrowded as relatives of most of the accused persons could not furnish security bonds.
- Most of suspects who were released by the Court were unable to travel back to their homes as they did not have any money. They were not given any assistance despite the fact that they were arrested in places very distant from Bunda.

2.3.5 Assistance to Relatives of Victim of the Operation the late Emiliana Gasper Maro

Relatives of one Emiliana Gasper Maro, who was a victim of anti-poaching operation, paid a visit to the LHRC to report over the death of their relative. Emiliana had died at the hands of anti-poaching agents, who had arrested her as she went out in search of her husband. Anti poaching agents ended accused her of engaging in poaching activities. Relatives stated that they received a phone call from the hospital a few days after Emiliana went missing, and were told that she had died, CoD being High Blood Pressure. Not convinced that High Blood Pressure is what killed Emiliana, the latter sought LHRC's intervention so that a second postmortem examination could be conducted. The LHRC obliged and sent an advocate to supervise in the second postmortem examination conducted at the Babati Hospital by an independent doctor, Dr. Ngwalali. The doctor carefully examined the body for bruises, wounds and marks. He then examined the mouth, the ribcage to check if any ribs had been broken, checked internal organs (lungs and heart), and lastly checked the brain. During the entire examining process, the doctor took pictures.

The doctor dissected the heart to see if there was any blood clot or artery bust in order to determine whether heart attack may have contributed to the death of the deceased. The brain was examined to check for trauma, brain hemorrhage, and see if the skull had been fractured.

After examining the body, the doctor made the following observations:

- The deceased had wounds on her right leg, from the knee downward;
- There was a big mark near the deceased's right eye, suggesting that she had been knocked with a heavy object;
- The victim had a missing tooth;
- No ribs were broken;
- There was no blood clot in the heart or artery bust;
- The lower part of the victim's lungs appeared to be dark but the doctor said that it was normal for a dead body laid in the same position for a long time;
- Several bruises were noticeable on top of the victim's right eye and back of her head;
- The brain looked fine, with no sign of hemorrhage.

The doctor's initial report did not confirm findings of the government's report that Emiliana had died because of High Blood Pressure. The LHRC and the deceased's relatives await the final report of the doctor that will shed light as to the actual CoD.



Plate No. 12: The body of the late Emilia during the second postmortem examination

2.3.6 Consultation with the Director of Criminal Investigation

LHRC met with the Director of Criminal Investigation (DCI) to discuss the circumstances that led to the victim's death. The LHRC urged the DCI to ensure that the OCCID of Babati is held accountable for his involvement in the torture of Emilia, resulting to her death. The DCI promised to look into the matter and hold accountable all the responsible parties.

CHAPTER THREE

THE PARLIAMENTARY PROBE TEAM'S REPORT ON OPERATION TOKOMEZA

A couple of weeks after the LHRC and efforts of other actors called for a probe team to be formed to investigate the way Operation *Tokomeza* was conducted. A parliamentary committee was formed to probe into the operation. Prior to this, the Government suspended 'Operesheni Tokomeza Ujangili' on November 1, 2013, following reports of human rights violations. The operation was suspended to give way for a probe into the allegations of human rights violations leveled against the anti-poaching operation.

The Probe team was given a task to do the following:²⁷

- Assess the 'Operesheni Tokomeza Ujangili' action plan;
- Determine whether there were any irregularities in implementation of the action plan;
- Determine whether there were any negligent acts during the operation, leading to loss of lives and property;
- Investigate land disputes among farmers, pastoralists and investors in places near the protected/conservation areas.

The team was composed of 9 MPs, led by Hon. James Daudi Lembeli, who is the Kahama MP (CCM). The nine members of the probe team comprised of the following:

i.	Hon. James Daudi Lembeli	Member of Parliament (Chairman)
ii.	Hon. Abdulkarim Esmail Shah	Member of Parliament
iii.	Hon. Susan Limbweni Kiwanga	Member of Parliament
iv.	Hon. Kaika Sanin'go Telele, Mb.	Member of Parliament
v.	Hon. Dk. Henry Daffa Shekifu	Member of Parliament
vi.	Hon. Amina Andrew Clement	Member of Parliament
vii.	Hon. Haji Khatibu Kai, Mb	Member of Parliament
viii.	Hon. Muhammad Amour Chomboh	Member of Parliament
ix.	Hon. Dk. Mary Mwanjelwa	Member of Parliament

²⁷ Report by the Parliamentary Select Committee for Lands, Natural Resources and Environment on *Tokomeza* Operation, p. 2 [Lembeli *Tokomeza* Report].

In performing its task with regard to Operation *Tokomeza*, the probe team had to read and assess materials/resources used by the Ministry of Tourism and Natural Resources in planning and implementing the operation. It also interviewed the Minister for Tourism and Natural Resources; the Permanent Secretary of the Ministry of Tourism and Natural Resources; the Director of Wildlife; Deputy Director of the Anti-poaching Unit; the Executive Director of the Tanzania National Parks (TANAPA); the Minister for Home Affairs; the Executive Director of Ngorongoro Crater Conservation Area (NCAA); the Executive Director of Tanzania Forest Services Agency (TFS); and some Members of the Parliament. Lastly, the probe team visited areas affected by the operation (operation areas as identified by the Ministry of Tourism and Natural Resources) and areas in which there were land disputes among farmers, pastoralists and investors.



Plate No. 13: Chairman of the Parliamentary Select Committee for Lands, Natural Resources and Environment, Mr. James Lembeli (Kahama-CCM), presenting the report on human rights abuses during “Operesheni Tokomeza Ujangili” before the National Assembly on December 21

[Source: Mwananchi Newspaper, December 22, 2013]

Lembeli’s team started its inquiry on November 25, 2013 and finished on December 15, 2013. The team unveiled its report in the Parliament on November 21, 2013. The report revealed, among other things, when the operation commenced; objectives of the operation; the team that carried out the operation; areas identified by the Ministry of Tourism and Natural Resources for the operation; an assessment of the way the operation was conducted; efforts to sabotage the operation by a powerful poaching network; an assessment of allegations of human rights violations; and the government’s decision to halt the operation.

3.1 Objectives of the ‘Operesheni Tokomeza Ujangili’

In planning ‘Operesheni Tokomeza Ujangili,’ the Ministry of Tourism and Natural Resources had the following objectives in mind:

- a. Curbing poaching activities within and near national parks, game controlled areas, Ngorongoro Conservation Area, reserved forests and other protected areas;
- b. Identifying poachers and tracing their whereabouts within and outside protected areas;
- c. Arresting and bringing to justice those engaging in illegal government trophy and forest products businesses;
- d. Eliminating poaching networks that include poaching sponsors, buyers, and agents of illegal trade in government trophies and forest products; and
- e. Tracing and seizing properties owned by poachers obtained from illegal trade in government trophies and forest products.

3.2 The Operation Team

The ‘Operesheni Tokomeza Ujangili’ team comprised of officers, officials, soldiers and lawyers from different institutions/agencies. These institutions/agencies were the Tanzania Police Force, the Tanzania People’s Defence Forces (TPDF), the Anti-poaching Unit, Tanzania National Parks (TANAPA), the Tanzania Forest Services Agency (TFS), the Ngorongoro Conservation Area Authority (NCAA); and the Judiciary.²⁸ A total of 2371 people carried out the operation.

Table 1: Officials/Soldiers involved in the Operation

INSTITUTION/AGENCY	NUMBER OF OFFICERS/OFFICIALS/SOLDERS
Tanzania Peoples Defence Forces	885 soldiers
Tanzania Police Force	480 policemen
Anti-poaching Unit	440 officers
Tanzania National Park (TANAPA)	383 game rangers
Tanzania Forest Services Agency (TFS)	99 officials
Ngorongoro National Park (NCAA)	51 game rangers
Judiciary	23 public prosecutors
	100 magistrates

²⁸ Lembeli *Tokomeza* Report, p. 12

3.3 *Modus Operandi* of the Operation

In conducting ‘Operesheni Tokomeza Ujangili’ the anti-poaching team members were supposed to:

- i. Conduct a thorough investigation of the suspects of government trophy poaching network and illegal harvesters of forest products;
- ii. Arrest all suspects identified in intelligence reports;
- iii. Take pictures and draw a sketch map of a crime scene when they arrest each suspect;
- iv. Interrogate suspects and take down their statements;
- v. Collect and store items seized from poachers for use as evidence in court;
- vi. Take down statements of witnesses and arresting officers for use as evidence in court; and
- vii. Prepare charges against suspects and send them to court for justice to take its course.

3.4 Areas Targeted by the Operation

The anti-poaching operation focused on areas mostly affected by poaching activities. For the purpose of conducting the operation, the Ministry of Tourism and Natural Resources identified the areas and divided them into the following 12 zones:

- a) Selous, Mikumi, Udzungwa, Lukwika/ Lumesule and Liparamba;
- b) Burigi/Biharamuro, Ibanda/Rumanyika and Rubondo;
- c) Moyowosi, Ugalla and Lugazo;
- d) Serengeti, Loliondo, Maswa, Ikorongo and Kijeshi;
- e) Kilimanjaro, Arusha, Mkomazi/Umba, Simanjiro and Longido;
- f) Tarangire, Manyara, Karatu/Ngorongoro, Swagaswaga and Mkungunero;
- g) Rungwa, Ruaha, Mpanda – Kipengele;
- h) Rukwa, Lukwati, Katavi, Lwafi, Piti and Wembere;
- i) Mahale and Gombe;
- j) Saadani and mangrove forest areas;
- k) Handeni Game Controlled Area, Kilindi and Mkinga;
- l) Kazimzumbwi Forest, Kisarawe, Rufiji and Mkuranga.

3.5 Commencement and Phases of the Operation

The *Tokomeza* Operation was launched and commenced on October 4, 2013. The operation was expected to be conducted in four phases. The first one aimed at seeking and seizing weapons used by poachers and elephant tusks. The second one targeted unlicensed weapons and licensed weapons suspected to be used in poaching activities. The third phase targeted locations of warehouses used by poachers to store government trophies, tracing those who sponsor poaching activities, buyers of government trophies, and those who protect poachers. The fourth phase was for seizing government trophies other than elephant tusks and arresting illegal hunters; those who illegally harvest forest products; those who herd cattle and in protected areas; and those who have erected buildings in such areas.

3.6 Assessment of the Operation

The parliamentary probe team assessed ‘Operesheni Tokomeza Ujangili’ and the way it was conducted and found the following:

- *Approval the Operation Action Plan*

The parliamentary probe team’s report indicated that the former Minister for Tourism and Natural Resources, Khamis Kagasheki, admitted, when interviewed by the team, to have neither seen nor approved the final draft of the action plan for ‘Operesheni Tokomeza Ujangili.’²⁹ The Report stated:³⁰

“Pamoja na Mpango kazi huo kuandaliwa na Wizara ya Maliasili na Utalii, kwa namna ambayo haieleweki Waziri hakuuona wala kuidhinisha rasimu ya mwisho ya Mpango huo. Hiyo ilidhihirika mbele ya Kamati kutokana na Waziri kukiri kwamba hakuuona wala kuudhinisha”

“The Minister of Tourism and Natural Resources neither saw nor approved the final draft of the action plan despite preparing it. The Minister himself admitted before the Committee to have never seen the action plan let alone endorse it,

²⁹ Lembeli *Tokomeza* Report, p. 19.

³⁰ Ibid.

▪ *Control over the Operation*

Despite the ministry planning the operation, the former Minister for Tourism and Natural Resources, Khamis Kagasheki, did not have any control over the operation, the probe team's report has revealed.³¹ According to the report, members of the Tanzania People's Defense Forces (TPDF) kept a tight control of the operation, with the Minister kept in the dark as to what was happening on the ground.³² He was also kept in the dark by even the ministry's senior officials, including the then Permanent Secretary of the Ministry of Tourism and Natural Resources, who gave orders without involving him. The Permanent Secretary also undermined the Minister's authority by questioning his decision to summon one of the ministry officials in his office as revealed in the email correspondences between the Minister and the Permanent Secretary and that between the Minister and the Director of Wildlife.³³

It was further revealed that Minister Kagasheki was not the spokesperson for the operation as he was quoted saying in one of the parliamentary sessions.³⁴ This was the case despite the Operation Guidelines clearly stating that the Minister is the spokesperson for the "Operesheni Tokomeza Ujangili." As a result, information about the way the operation was conducted did not reach him as it was directly sent to the Chief of Defence Forces (CDF).³⁵

▪ *Bribes to Operation Team Members*

The Lembeli Report revealed that game rangers from NCAA and TANAPA, forest officials from TFS, and policemen took bribes and protected poachers as well as some rich people involved in illegal trade of government trophies during 'Operesheni Tokomeza Ujangili.'³⁶ They helped poachers escape justice.

▪ *Non-involvement of Regional and District Defense and Security Committees*

Members of the Regional District defense and security committees were not involved in the operation.³⁷ The non-involvement was meant to protect poaching suspects as the committees could reveal their secrets. This posed a big problem for the Regional and District

³¹ Lembeli Tokomeza Report, p. 19.

³² Ibid.

³³ Ibid, p. 18.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Lembeli Tokomeza Report, p. 37.

³⁷ Ibid, p. 23

Commissioners, who were blamed by people when they could not help them during the operation.³⁸

▪ *Lack of Effective Communication among Parties in the Operation*

The report revealed that there was a problem of flow of information about the way the operation was conducted among the parties involved in the operation.³⁹ Lack of proper communication had a huge effect on the operation, with the Minister for Tourism and Natural Resources not receiving the necessary information about the operation or getting it but not on time. The report also indicates that there was poor communication between the Ministry of Tourism and Natural Resources and other ministries that were involved in the operation.⁴⁰

▪ *Some Government Officials and MPs and Powerful Poaching Network, Sabotaged the Operation*

According to the Lembeli report, some of the government officials and Members of the Parliament were involved in poaching activities and illegal trade in government trophies.⁴¹ These government officials and MPs are part of a powerful poaching network and sabotaged, in one way or another, the operation. Some MPs and government officials protected poachers whom they are related to or have close ties with.⁴² The operation was thus sabotaged from within the government and there was therefore no real commitment by some government officials to fight poaching.

3.7 Human Rights Violations during the Operation

The parliamentary probe team's report outlines the horrific acts of murder, rape, torture and humiliation inflicted upon innocent civilians during 'Operation Tokomeza Ujangali,' confirming the findings made by the LHRC. The report reveals the following incidents of human rights violations:

- Ali Nyege (38) from the Ipitu Ward in Ulanga District was accused by anti-poaching officers for illegal hunting and forced to take his clothes off in front of his children. After taking his clothes off, salt water was poured onto his body and then he was whipped as his 11-year old son watched. He said that he sustained severe injuries but had no choice as he begged the anti-poaching officers for mercy, who nevertheless kept hitting him. He

³⁸ Ibid.

³⁹ Lembeli *Tokomeza* Report, p. 20.

⁴⁰ Ibid, p. 23.

⁴¹ Ibid, p. 21.

⁴² Ibid.

further stated that he was forced to draw a picture of a python on his thigh with a razor blade.⁴³

- Neema Moses, also from Ulanga District, told the probe team that she was stripped naked by anti-poaching officers, who then inserted a bottle into her private parts and later forced to have sex with her in-laws.⁴⁴
- Some women were raped and sodomized, including one woman in Matongo Ward, Bariadi District, who said she was raped by three soldiers at gunpoint. Another woman in Iputi Ward, Ilanga District, said she was raped by two anti-poaching officers.⁴⁵
- Some people and local leaders like councilors and village chairmen were arrested and humiliated in public.⁴⁶
- Some of the poaching suspects were sent to makeshift interrogation camps and severely tortured to force a confession out of them. Some of them were beaten and left with permanent disability. One Sita Rumala, for example, from Mbogo Village in Itilima District, claimed to have been beaten and left with a broken arm. He showed the probe team his broken arm, wrapped in a POP bandage. Peter Samwel, the Sakasaka Ward Councilor in Meatu District complained that the anti-poaching officers arrested him, sent him to the one of the makeshift interrogation camps, tied his arms and legs with a rope, hung him upside-down, and then whipped him with some iron rods. He remained that way for hours and was later ordered to have sex with a tree.⁴⁷ Munanka Machumbe (24), a mute person, was shot three times in his thighs, destroying his private parts as he was trying to ask the officers why they were torturing his father. Ulanga Chief Sheikh, Ali Mohamed (70) who lives in Iputi Village, claimed to have been forced to frog jump and whipped by anti-poaching officers. Nyasongo Magoro Serengeti from Majimoto Ward in Mulele District claimed to have been humiliated in public.⁴⁸
- Some civilians complained of being robbed by anti-poaching officers. Officers were accused of stealing cattle, private properties and money. In Ulanga District, for example, one person claimed to been robbed 750,000 Tshs VICOBA⁴⁹ money and a mobile phone by the anti-poaching officers, who invaded his home. In a similar incident, Musa Masanja

⁴³ Lembeli *Tokomeza* Report, p. 31.

⁴⁴ Ibid.

⁴⁵ Ibid, p. 31.

⁴⁶ Ibid, p. 30.

⁴⁷ Ibid, p. 32.

⁴⁸ Ibid, p. 34.

⁴⁹ VICOBA stands for “Village Community Bank,” a non-governmental organization based in Ruvuma, Tanzania, that organizes groups, especially in rural areas, and trains them in various skills so as to build up their capacity to fight against poverty.

from Sakasaka in Meatu District claimed that anti-poaching officers took from him 300,000Tshs and two mobile phones.⁵⁰

- Some suspects claimed that their cattle were seized by the anti-poaching officers and sent into protected and conservation areas where they were shot dead or died of thirst and lack of pasture. Others claimed that after their cattle were sent into conservation areas, they were ordered to pay a fine of up to 3,000,000Tshs to 6,000,000Tshs for every 30 to 100 cows. And for those who failed to pay the fine, their cows were auctioned at a very low price, 60, 000 Tshs.⁵¹ Some of the pastoralists complained that they paid the fine but were not given receipts or received receipts that indicate an amount that is much less than what they paid. Sosoma Shimula from Kasulu District, for instance, who had 1700 cows claimed that he was ordered to pay 30,000,000Tshs as a fine but managed to bargain with the anti-poaching officers and eventually paid them 10,000,000Tshs. But the receipt he was given indicated that he had only paid 1,000,000Tshs.⁵²
- Some suspects accused anti-poaching officers of creating false charges against them such as possession of unlicensed weapons, marijuana and government trophies. Elias Cosmas Kibuga from Gallapo in Babati District claimed that he was falsely accused of possessing unlicensed rifle and a giraffe tail. Bibi Zuhura Ali from Kilombero stated that she was tortured by anti-poaching officers, who wanted her to produce a weapon she did not possess. The same happened to Melkzedek Abraham Sarakikrya from Itigi.⁵³
- Some people, accused by anti-poaching officers of being involved in poaching and/or illegal trade in government trophies, were so severely tortured and beaten that they died. Examples include Kipara Issa from Kaliua District and Emiliana Gasper Maro from Babati District. Other victims of ‘Operesheni Tokomeza Ujangili’ who lost their lives include Wegesa Kirigiti from Remagwe Village and Peter Masea from Mrito Village in Tarime, Mohamed Buto in Masasi District, and Gervas Nzoya in Kasulu District.⁵⁴
- During the operation, there were also incidents of houses being burnt down and loss of property.⁵⁵
- Due to the way the operation was conducted and the horrors witnessed, some people in operation areas were terrified and fled their homes, including some leaders, including the Ulanga District Commissioner.⁵⁶

⁵⁰ Lembeli *Tokomeza* Report, p. 32.

⁵¹ Lembeli *Tokomeza* Report, p. 35.

⁵² Ibid, p. 33.

⁵³ Ibid, p. 35.

⁵⁴ Lembeli *Tokomeza* Report, p. 36.

⁵⁵ Ibid, p. 22.

⁵⁶ Ibid, p. 29.

During his presentation of the report in the National Assembly, the probe team chairman, Mr. James Lembeli said that his team proved beyond doubt that the atrocities outlined in the report had been committed. He further stated that his team had established that 19 people were killed during the operation, 13 of them ordinary citizens and the remaining 6 anti-poaching officers. The operation lasted for 29 days.

CHAPTER FOUR

CONCLUSION AND RECOMMENDATIONS

4.1 Conclusion

The LHRC is not against ‘Operesheni Tokomeza Ujangili’ as it recognizes that poaching has been a big problem for the country, seriously affecting wildlife and tourism; nor does the LHRC condone poaching or is sympathetic to poachers. What the LHRC is against is the way the operation was conducted, in total disregard of the law and human rights, including the Constitution of the United Republic of Tanzania, 1977, which, among other things, sets out some basic rights which every Tanzanian, even a poaching suspect, is entitled to. It is quite clear that some anti-poaching officers perpetrated acts of serious human rights violations, including rape, murder, torture, stealing of property, humiliation, and destruction of private property, as found out by the LHRC and confirmed by the report of the parliamentary probe team lead by Mr. James Lembeli (Kahama-CCM) formed by the Parliamentary Committee for Lands, Natural Resources and Environment to evaluate ‘Operesheni Tokomeza Ujangili’ and investigate allegations of human rights violations during the operation. As admitted by the Prime Minister, Mizengo Pinda, the way the operation was run was “unacceptable” and “there were major problems with how the program [anti-poaching] was managed.”⁵⁷

In the aftermath of the reports of human rights violations and calls from the LHRC and some MPs, four ministers were axed over the operation, namely Khamis Kagasheki, who was the Minister for Tourism and Natural Resources; David Mathayo, who was the Minister for Livestock and Fisheries; Emmanuel Nchimbi, who was the Minister for Home Affairs; and Shamsi Vuai Nahodha, who was the Minister for Defense and National Service.

However still there has not been public information available on other steps taken by the government to address the effects of the operation to individuals and communities affected. Also there is no information on steps taken to officers who conducted such acts.

⁵⁷ The Citizen Reporter, *4 ministers axed over ‘Tokomeza Ujangili’*, the Citizen Newspaper, December 20, 2013.

4.2 Recommendations

The LHRC recommends the following to the Government:

- All the victims of the acts of human rights violations perpetrated by anti-poaching officers should be compensated after an assessment of the damage they suffered;
- The Government should ensure that an action plan for a similar operation is good, well planned, and is in line with the laws. Poaching suspects should be carefully identified and approached to avoid affecting innocent civilians;
- Anti-poaching officers should be trained on human rights, especially those from the TPDF, who are not used to dealing with civilians;
- After poaching suspects have been arrested procedures laid down in the Criminal Procedure Act should be followed, including taking them to the police stations then to court;
- The second phase of the operation (if carried out) should not involve TPDF officers as they use excessive force when dealing with civilians and they are not trained for peacetime operations;
- All recommendations of the Parliament Special Committee on Operation Tokomeza should be implemented by the government. The parliament as an institution should be provided with updates on the steps being taken.

4.3 CONCLUSION

Natural resources and wild life are a gift from God to the Tanzanians. They are meant to improve the quality of life of all Tanzanians and bring the country development from tax and revenue generated from them. It is the duty of all people to protect and prevent any damage being done to them. It is the paramount duty of communities around such resources to be guided to provide mechanisms to ensure the same as they are the communities close and most placed to be effective at doing so. Thus the government should devise a mechanism at ensure such communities benefit and fulfill their obligations in a participatory manner for sustainability and effectiveness of any interventions addressing such.

The government of Tanzania though its Ministry of Tourism and Natural Resource should refrain from using interventions of address poaching by violating the rights of civilians and particularly communities around such resources. As indicated in this report Operation Tokomeza was implemented without adhering to laws of neither natural justice nor constitution and other laws,

thus resulting to grave violations of human rights, deaths and destruction of property and lives of communities.

The government should as indicated address and hold all those responsible accountable. These include all senior and junior officers from all ministries as highlighted in this report, who took part in the operation and resulted to such violations.

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