

# TANZANIA LAND ALLIANCE (TALA)

## REPORT ON TALA-MEDIA JOINT MISSION ON LAND RIGHTS FOR AGRO-PASTORALISTS AND FARMERS ULANGA DISTRICT

*(Gathering facts in response to the killings of 5 people done by Tanzania Peoples Defense Forces in Malinyi Ulanga)*



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## Issues in the report

1. The incidence took place on 17<sup>th</sup> March, 2012 at Maguba area which is in Lupembenda hamlet, Kiwale village Igawa ward Malinyi division in Ulanga district. The area is about 30 KM from Malinyi town
2. **People who died are 5**
  - a. Sanyiwa Ndahya (28)
  - b. Ng'erebende Nchambi Lukeresha (26)
  - c. Kashinje Msheshiwa (35)
  - d. Kulwa Luhende (48)
  - e. Lutala Ndahya (45)
3. **Those who were injured are 3**
  - a. Zina Msheshiwa (29) who is still admitted in Lugala hospital
  - b. Msheshiwa Ndahya (53) this is the father to Zina Msheshiwa, him and his son also admitted in Lugala Lutheran hospital
  - c. Khama Chisongelile Tiga (30) was taken to the hospital but discharged on the same day
  - d. Also Corporal Paul Laurent and another person from the militia group
4. The soldiers involved were 2: Warrant One Job Edward Matonya and his assistant Corporal Paulo Laurent and several other Militias making up a group of about 15 people, there was also a driver. They had 1 gun SMG type which was used for shooting.
5. Victims of the incidence were shot at from different places and only one died immediately at the place of incidence.

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## 1.0 Background

This is a report on TALA-Media joint mission in response to recently reported killings of 5 agro pastoralists and farmers in Maguba area Malinyi Division in Ulanga District. These people were allegedly reported to be killed by gun shots by the Tanzania Peoples Defense Forces on Saturday 17<sup>th</sup> March, 2012.

Previously, police statement for Morogoro Region Police Commander Ms. Adolfina Chialo as reported in Habari Leo 19 March, 2011 indicated that the 5 people were killed and 3 others injured in an attempt for the Corporal Paulo Laurent and his colleges to escape from what they called self defense from the mob of more than 100 people who attacked them and they also reported that the said mob wanted to confiscate the weapon. They justified the shooting in the name of the so called self-defense. The police report also narrated that when the Soldiers reached the reserved area they saw people going on with cultivation and grazing and suddenly they were attached with the communities who had in their hands with traditional weapons.

While the media and the police reported these, TALA informants on the contrary had reported a complete innocence of the victims. Primary information that TALA received was that these people were in their normal activities and only that they were caught in surprise to see the soldiers and the militia starting shooting. This controversy increased attention and the need for TALA delegation to make a physical visit to the area for collection of first hand information.

In addition, it was also learned previously that such incidences already happened several times somewhere else and this is only one of many typical land cases that the defense forces and the police have been reportedly been involved in killing innocent citizens in the country in the name of the so called self defense or that they have invaded reserves. It was also experienced previously that, what is reported to the public tends to defend the forces in expense of the lives lost.

Similarly, there were a number of issues in question such as what amounts to self defense to the extent that 5 people should be killed with bullets and several others injured with no one arrested? Again, if the soldiers saw villagers in their normal farm activities how comes that they could hold traditional weapons? These are some of the questions that TALA was not well informed with. On the other hand, listening from the media alone or using distant informants could not be very effective. This formed the basis for TALA-Media to form a joint team for making physical visit to the area for a brief rapid response from 20<sup>th</sup> to 27<sup>th</sup> March 2012.

## 2.0 Objectives

Among other issues the mission is aimed to:-

- 2.1 Identify the legality of the attempt to evict people from the area
- 2.2 Identifying the core cause of the killings and the environment involved
- 2.3 See if there is any conflict around land in the area and between villages and the 'so called conserved area'
- 2.4 Explore the possibility of ensuring that justice is done to the affected families
- 2.5 Inform the public on the extent to which communities have been affected and demand the government to take immediate action to address the situation.

## 3.0 The area of incidence

As opposed to what was previously reported in the media that the incident happened at Maguba village, it was noted that Maguba is just the name of the area and not village name. The incidence happened at, Lupembenda hamlet, Kiwale village Igawa ward Malinyi division in Ulanga district. This is an area where most dominant tribes are the Wandamba who are purely farmers and Wasukuma are farmers and some agro-pastoralists. However, the team was not able to see any sort of cattle when visited the place but there were farms planted with maize and rice and established family houses.

## 4.0 Methodology

Getting first hand and correct information was key for the study team. With this regard the team tried much it could to inquire information from all the people thought important in the incidence. In achieving this, the team employed interviews and observation as key methodologies for extracting information. These tools were used consecutively and in all places that the team visited.

The team observed all victims and all the roots of the incidence including the tombs of 3 of the deceased. Interviews were made to numerous respondents that included direct victims who were injured and admitted to the hospital, Lugala Lutheran hospital Medical Officer in Charge and Assistant Medical Officer in Charge and eye witnesses of the incidence. Interviews were also administered to the victims of the incidence including those whose money was confiscated and the people who worked hard to rescue lives of those who were shot and left to the areas of incidence by taking them to the hospital. Interviews were also administered the leaders of the Union of Pastoralists in the Eastern Zone UWAKAMA and to the local government authorities at different levels from the village to district level.

## 5.0 Narration of the Incidence

Following a long chain of interviews from the grassroots levels to district and subsequently the Regional Police Commander, those were involved in the killing are Warrant One Job Edward Matonya and his assistant Corporal Paulo Laurent, 9 Militia and 5 Village Game Scouts (VGS) and a driver. Warrant One Job Edward Matonya and his assistant Corporal Paulo Laurent. Both were identified as Advisors to the Militia in the District.

In the event 5 people died and were identified by the names:-

- f. Sanyiwa Ndahya (28) who died at the incidence and was buried at Maguba.
- g. Ng'erebende Nchambi Lukeresha (26) was buried at Mwembeni in Malinyi.
- h. Kashinje Msheshiwa (35) His body was at the hospital taken to Muhembeni and buried at the place of incidence. He was buried while sitted according to the sukuma customs.
- i. Kulwa Luhende (48) who after being shot was carried by the car used by the soldiers and militia to the hospital but he was received at the hospital as a dead body. He was buried at the hospital grave yard.
- j. Lutala Ndahya (45) He was buried at the Maguba at the place of incidence.

Those who were injured were identified as

- e. Zina Msheshiwa (29) who is still admitted in Lugala hospital
- f. Msheshiwa Ndahya (53) this is the father of Zina Msheshiwa, him and his son also admitted in Lugala hospital
- g. Khama Chisongelile Tiga (30) was taken to the hospital but discharged on the same day

Those who were injured from the Game side are Corporal Paul Laurent and another person from the militia group

## 6.0 Key respondents

### 6.1 Lugala Lutheran Hospital

At Lugala Lutheran hospital the fact finding mission met with Dr. Moses Mwemi who is an Assistant Medical Officer in Charge and Dr. Peter Hellmold who is Medical officer in charge. Dr. Mwemi who was on duty on the day of incidence narrated that, on 17<sup>th</sup> March, 2012 evening they received 2 injured and 1 deceased person. These were brought by the 2 Peoples Defense Forces and 3 Militia. Out of the 2 injured 1 was Corporal Paul Laurent who was injured on head with a blunt object forming a scar of about 5 cm long 1.5 deep. However, the skull was not affected. The other was a civilian, Khama Chisongelile Tiga (30) who was shot on the thigh but it did not affect the bones.

Dr. Mwemi added that on 18<sup>th</sup> March, 2012 they received 2 deceased and 2 injured people carried on the cart pulled by oxen. However, the number contradicts the narration made by Abdul Salum Masungwa who said he carried 5 people out of whom 2 were deceased and 3 were injured.

The Hospital conducted postmortem of only 1 deceased person Kashinje Msheshiwa who died at the hospital. Others were examined by District Medical Officer and the Police and the hospital does not have report for the postmortem. Up when the team visited the hospital there were 2 injured persons, already operated and admitted at the hospital i.e. Zina Msheshiwa and his father Msheshiwa Ndahya.

Corporal Paulo Laurent was also given medical treatment and upon their request he was transferred to Mahenge for security reasons. According to the medical report all the victims were shot by bullets and the deceased died of excessive bleeding.

## **6.2 Zina Msheshiwa (29years old)**

Zina Msheshiwa is one of the 3 people injured by the bullet and when the fact finding team visited the Lugala Lutheran hospital he was still admitted. He narrated that he was in the farm on 17<sup>th</sup> March, 2012 and received information that their village in has been invaded by the Police who confiscate phone, money and bicycles. He was worried and knowing that his father loves drinking he went to pick up his 2 uncles so that they go to where he called “the centre” looking for his father to let him know this. On the way they were also joined by other 3 friends making a group of 6. As they were on the way they met a woman who told them that there are 2 people shot dead by bullets and they are in the police car. As they were on the way going to the area they saw 10 people putting in their cloth as those of the army. The group was interested to know where the soldiers were taking those who were shot and put in the

car and therefore they approached the car with their hands lifted up showing that they have surrendered and they were innocent.

As they came closer they asked for bodies of those who were in the car (they did not know that they were alive). There was a brief conversation between Corporal and Warrant One on whether they should shoot or not. At this time the gun was held by Warrant One while the Corporal only held a club.

Suddenly, the Corporal took off from the car and shot Zina Msheshiwa who fell down. Sanyiwa Ndahya who was uncle to Zina lifted him up, but again the Corporal shot Sanyiwa Ndahya on his thigh but fortunately, the bullet only had hit him partially. Because they were close to each other, Sanyiwa Ndahya was so angry that he took the Club from the Corporal Paulo Laurent and hit him up on his head. The Corporal fell down partially and upon standing up on his knees he shot dead Sanyiwa Ndahya on his chest. Together with the bullet that shot Sanyiwa the Corporal was randomly shooting other people who were around. After a short while Zina was unconscious for about 15 minutes when he got conscious, he found a number others lying down. However, Sanyiwa was the only person who died at the place of incidence.

### **6.3 Msheshiwa Ndahya (53)**

Msheshiwa Ndahya is the father to Zina Ndahya and he and his son were seen admitted at Lugala Lutheran hospital. He narrated that it was on Saturday 17<sup>th</sup> March, 2012 around 1300hours he was on the way going to where he called "the Centre" for a drink. He saw a car packed with militia and 2 army officials. He hesitated .....they called him holding a gun and clubs. As he was worried, he turned back and ran to a maize farm but could not go far he fell down. They ran after him with a motor cycle and caught him up. They made the motor cycle go on his body on his legs. They stood him up stretching up his arms and they ordered him to stand on one leg and lift the other so that they shoot him on only one leg. They shot him on the right leg and he fell down. They ordered him to stand up, he could not and because the car was about 100 meters away they pulled him up to the car where he saw Kulwa Luhende his neighbor in the car already shot. The soldiers switched on the car taking it some meters apart from where it was packed.

### **6.4 John Japhet Nyundo (36)**

John Japhet Nyundo is a person whose farm is where the killings took place. He narrated that on the 17<sup>th</sup> March, 2012 he waked up and went to his farm to saw rice just as routine. After a short while he went for a drink to the "the centre" which is just nearby his farm. As we came back to the farm, there came a person who asked

him how do you go on cultivating while some other people are being bitten and having their phones and money confiscated? Having heard this, John went to the centre to inform others who were drinking, he came back have his two bicycles hidden and went on cultivating.

He saw the car passing past his farm and in a short while he heard 2 gun shots and saw people running randomly. Seeing this, he left the place and had himself hidden in a thicket nearby his house which is just nearby his farm. Just in a moment he saw the car coming back and heard a voice from the car of someone he knows screaming as if he is seriously suffering. He then saw a group of 6 people (Zina Msheshiwa and others) coming towards the car. He heard a voice from the Militia who were car saying “*wamalize hao mkubwa*” (finish them sir). Then gun shots continued and he ran away and he confesses that he did not see anything that took place after there. After three days her came back and heard stories all over the village about the deaths and the gun shootings that took place.

#### **6.5 Margaret Merka (her age is estimated to be above 30 years)**

She is the key and eye witness of the incidence. She was found while washing at the river at around 9:00 AM where the soldiers and militia called and asked her why she was washing in the river found in a reserved area. She did not respond to that question and she was arrested. She said they were carrying with them meat and some other food staffs and they wanted her to cook for them. They introduced themselves and wanted to know who she stays with. She told them that she was staying alone. They told her that they wanted to form an operation camp at her place where they could evict people from the reserved area and they showed her a hand written letter to legalize the operation and asked her whether she knew how to read. Her answer was affirmative and she stated that she held the letter which she read and found these words “*tumekuja kukamata ng’ombe na kila ng’ombe atakombolewa kwa fine ya shilingi elfu kumi*”

They moved her from the place where she was washing to about 50 meters. Another group of militia came with a herd of cattle and a youth. She saw them search his pockets where they found him having Tsh. 200,000 and a phone they took them. They went ahead to beat him and tied him on the tree.

They further, told him to pay a fine of 10,000 to bail out each cow. He asked them to go to his father so that he can come and bail all the cows as he cried vehemently. He talked to Margaret in Sukuma to help him ask them release him so that he could go home to call his father. He as well asked her to ask permission to get his phone so that he could call his father to come where they refused to hand over the phone they

asked for the numbers instead which however, they did not use as they did not call him. Seeing that, he again asked for his own bail by leaving with them cows and go home to get the money. At this time they left him free and he ran. There was also a woman militia who undressed from the militia uniform and had her uniform tied up on head ready to prepare the food. However, it came to Margaret's knowledge that the woman was not a militia as she testified that she was only brought to cook for the militia and the soldiers.

The rest of the militia left the three militia guarding the herd and others went to bring other cows they come back with four other heard of cattle owned by different people. At this time the youth who was left free came back with other youths who fought with the three militia guarding the cows and injured one using a baton which they snatched from him and they managed to rescue the cows and escaped with the cows. Seeing this, the militia ran to inform their comrades that they had been attacked and had the cows confiscated taken away. After that incidence, the other militia and soldiers were angered and started beating whoever they found on the way.

Margaret the captive was with them went toward the car where other militias were but before that she saw some two militia on the motor cycle chasing two people Kulwa Luhende and the old Msheshiwa Ndaya who was caught in the maize plantation, beaten, shot and drugged toward the car. Kulwa Luhende was faster so he was captured after but was shot first. She witnessed the shooting of both Msheshiwa Ndaya and Kulwa Luhende with Kulwa Luhende shot first and then Msheshiwa followed.

Having shot they were then thrown into the car and drove ahead about 200 meters. In a moment they found a group of six people (Zina Msheshiwa and others) coming towards the car. She again saw soldier shooting at them. There being so messy she got a chance to escape to avoid police arrest.

## 7.0 Testimonies on confiscation of Property

### 7.1 Mr Gwisu Magoye

He is one of the victims of the situation. He was found riding a bicycle he met two militias who asked him if he knew that he was in reserve and his answer was that he knows. He was told to kneel down and made to frog jump. They searched his pockets and only found Tsh. 5,000 which they took. He was left free to go but when he moved ahead he found another militia whom they knew each other he identified the Militia by only one name Mr. Choyo from Mtimbira. Gwisu narrated that the militia felt guilty

but told him...oooh Magoye you are also here....we are at work. He told others to let him go but they did not take his Tsh.5, 000 back. This happened the same day but before the killings.

## **7.2 Mr. Abdulsalum Masungwe**

Mr. Abdulsalum is a person who with others worked hard in trying to rescue the lives of those who were shot by bullets by carrying them on cart pulled by oxen to the hospital. He narrated that on 17<sup>th</sup> March 2012; from a distance he heard gun shots. After sometime just like any other villagers he had come closer the incidence. Seeing those injured lying down he went to bring his oxen and a cart to take those injured to the hospital.

He said that he found that 6 people shot, one of whom was already dead. He therefore, only took 5 who were injured and at around 6.00p.m they started marching to the hospital. As they were going, after some distance of about 2 kilometers one of them Ng'erebende Nchambi Lukerasha died. They went further about 7 to 8 Km the other Lutala Ndahya died. They managed to reach the police station at around 3:00 am for PF3 which was given after a very long delay until 5.00 am when they managed to reach the hospital. After they had reached the hospital again just in a moment Kashindye Musheshiwa died and his body was left at the hospital for post mortem and later taken back to the village after two days for burial.

## **8.0 The position of the Local leadership and District authority**

### **8.1 Mr Daudi Madeka (Acting Village Executive Officer Kiwale Village)**

He said that he had no information about the whole incidence and he heard about the killings just like other people and he confessed that since the incidence took place the past 6 days he had never been there. In addition, he had no formal information either in writing or in words about the eviction or patrol. They normally go to the villages without informing the people. It was a complaint to him that they justify their patrols without informing the village authorities because it is a reserve area. The VEO was also caught in surprise to note that there are police from the district and regional level investigating on the matter but they did not inform him.

Up to when the killings happened, his knowledge was that Lupemenda hamlet where Maguba is found has no demarcations and that according to natural resource department of Ulanga District they will demarcate the reserve area in April 2012 to put boundaries of the village and the reserve. This was agreed by the village authorities and Natural resource department on 27<sup>th</sup> January 2012.

## **8.2 Mwasi Mrisho- Executive Officer Sofi Ward**

Ms. Mwasi Mrisho was important in the fact finding because it was from her ward and those of Mtimbira and Itete where the Militias and Village Game Scouts were taken and it was in Sofi where the team was organized to go to Malinyi for the operation.

Mwasi narrated that on 16<sup>th</sup> March 2012, she received 2 soldiers named Corporal Paulo and Mr. Matonya as she knew them by only one name. They reported to her saying that they are fulfilling the order of the District Commissioner and Regional Commissioner of where she showed the letter written on 7<sup>th</sup> December 2011 with REF No. **UDC/ADM/N.10/5/14**. The soldiers asked for support of Village Game Scouts and militia. She accepted to give them with 3 Village Game Scouts named Said Kalyasa , Joseph Chihami, Balui Kalyasa and 2 militia named Theophord Lukumbila Reg. no. MG 425974, Fortunatus Mbayuwayu MG 425880. They also asked for somewhere to be accommodated and they were given a room and spent a night.

They also wanted to hire motor cycles and they were told that each costs 20,000 a day and they have to refuel on their own costs. They found this costful and only afforded one with registration NO. T152 BUB of SANLG type and they then left for Malinyi. After there she said that she did not know what happened thereafter until midnight on 18<sup>th</sup> March 2012 at 12.48am while she was invited for Maulidi party she saw the car arriving and calling her to the office. She was surprised to hear from Matonya saying “ *hawa wasukuma wana nini? Kwasababu walitaka kuniua walinizingira watu kama mia moja ambao*” he added that “*tumesalimika kwa kuua watatu ndo maana tumejiokoa vinginevyo tungekwisha*” he said that the motor cycle has been damaged and it would cost them a lot.

On 22<sup>nd</sup> March 2012 the militias were arrested for the first time and left free. She stated that she did not expect what took place and its effects to her people and that she will be very keen and that she learnt a very good lesson from that and that next time she will be very careful.

## **8.3 Mr Francis C. Miti- Ulanga District Commissioner**

The meeting with the District Commissioner was thought to be very crucial in the mission because he is the one to give the right information on the matter and clarify

issues not known. However, since the incidence occurred the past 7 days the DC has never been to the area even to console those who lost relatives.

On his start the DC warned that he would not give any information that is still under investigation. He says that the incidence took place in the hunting block of Kilombero Game Controlled area South Malinyi and that the patrol team went to that place as a regular routine for patrol and not eviction. He added that the block was owned an investor named SHALOM who left because of the constant reduction of animals which made him get no profit. He had heavily invested there and so he had to leave and it was a great economic detriment to him leaving the entire infrastructure, i.e. flats, swimming pool his business was consumptive and non consumptive tourism.

He said that in his quick investigation, he received a call which gave him information that the killings were justified as for self defense. This followed an attempt made by over 100 people armed who were about to attack the patrol. They had to defend themselves. He said that the first shooting was to scare the mob and they started shooting and three blank ammunitions (cold bullets) in the air and that they heard a Sukuma word from the mob “*gashilaga*” meaning the bullets are over so the soldier started shooting “hot” bullets resulting to killing the five people. The DC insisted that the deceased were shot in the game reserve and that demarcations are clearly indicated. However, this contradicts with VEO’s statement that there are no borders yet. Again, the DC contradicted himself by saying that he does not know where the reserve ends but he will inquire the map from district planners and mapping department. While the team wanted to know why the soldiers were used in the so called operation, the DC said that the operation team is consisted of different officials but on that day, the game officer was processing the cheque and the police officer asked for an excuse of not going. The team was surprised seeing the DC taking everything unserious. For example he shamelessly, narrated that the killings were just like normal accidents. He compared the incident with the accident of Modern Taarabu Musicians that occurred in Mikumi.

Similarly, when he was asked whether he knew if those who killed the victims were also involved in confiscating people’s money and different other property, he said that it is just a normal thing just like the traffic official can take corruption. He further, summed up his conversation by noting that the district is getting prepared to evict all people who invaded the reserved area as from August, 30<sup>th</sup> 2012 and they have already asked for assistance from the central government to facilitated the same.

## **9.0 Key findings of the Mission**

Having explored in lengthy from the field, meeting other different local government officials at local level and at the district, the following are key findings of the mission.

- 9.1 On 17<sup>th</sup> March 2012 five (5) people were killed and three injured by bullets. It was justified by the eye witness and the injured persons at the hospital.
- 9.2 As opposed to the statement of the DC that there was a mob of more than 100 people that was said to have attacked the soldiers and the militias, it was revealed that it was just a group of six people who were looking for Msheshiwa Ndahya who they thought had gone for a drink at the centre. It was also very unfortunate that 5 of them were from the same family out of whom 3 shot dead and two i.e. father and son injured and bed ridden and that they were un armed all as witnessed that they had lifted their hands up as they approached the car showing that they have surrendered.
- 9.3 It was also made clear that the Soldiers and the Militias were neither in patrol nor operation as previously stated and justified by the District Commissioner but a means to plunder and deprive of peoples' property (ransacking)- phones, money etc. It also brings doubt whether this was patrol as the team saw established families in the said reserve area; they have also planted maize which are read for harvesting. Similarly, it appeared it was not an operation but a means to plunder property and money from poor villages as justified by a fake handwritten letter that they possessed and gave to Margaret Merka to read which read "*we have come to confiscate cattle and for the owner to take them back would pay 10,000 per head.* Further, on the same day of the event they already confiscated Tsh.205, 000 from Gwisu Magoye and the other person.
- 9.4 The operation was conducted in an area which is unknown whether it is a Game Controlled Area or not. This is justified by the Village Executive Officer, who narrated that they were planning to demarcate and put borders in April, 2012. Similarly the DC is also not sure of the boundaries he is waiting for the map from district planners.
- 9.5 The said operation happened at the moment where villages were just in normal activities-cultivation, drinking etc. They were therefore caught in surprise and innocent when they were attacked. It also contradicts information that was given to different government authorities that the villagers were organized in mob. Again, this is justified by the fact that most of those who were shot are from the same family and shot at different places. It would therefore be difficult for people from the same family be victims of the shooting.
- 9.6 The said patrol team was inhuman to the extent that they recklessly shot 5 people dead and seriously injured 3 others and damped them at the place of

incidence. Above all, the body of Sanyiwa Ndahya who died instantly at the area of incidence was left unattended for 3 days until it was buried by his relatives. Despite the fact that the police in Malinyi got informed on the incidence they never dared to assist taking those who were injured to the hospital. Instead the 5 injured persons were taken to hospital by their neighbors on cart pulled by oxen leading to 2 deaths on the way and 1 death immediately after when they reached the hospital. Similarly, the government authorities at the district level were irresponsible to the extent that even after 7 days when the team completed the fact finding, nobody had gone to the area of incidence even to consol the families who lost their relatives. Again, there was also no official report even after 7 days from the day the incidence.

- 9.7 Lugala Lutheran hospital only conducted postmortem to one body. Other 4 bodies were examined by Medical Officer from the District and Lugala hospital was not left with any copy of the report.
- 9.8 The families of the deceased and the injured ones have been left helpless and in serious trauma. They have left orphans some of whom are very young babies one being 2 weeks old and the other 4 months old.
- 9.9 It was also discovered that government formed probe team did not inquire facts from key witnesses and victims' families.
- 9.10 Village authorities and the Police in Malinyi Division were neither involved nor informed by those who caused the trauma.
- 9.11 The District Commissioner and District Administrative Secretary did not take the incidence serious. This was revealed by their own words that the incidence is just like any other accident- the DC compared the incidence with car accident for FIVE STAR TAARAB musicians that happened in Mikumi in 2011.
- 9.12 There is a contradiction and confusing directives from different government officials. While the village authorities know that demarcations will be done in April, 2012, the DC already ordered eviction from December 2011 and Vice President's Office -Environment Division allowed villagers stay until August, 30<sup>th</sup> 2012.
- 9.13 If people rioted it would be expected that at least a few of them could be arrested. But it was noted that there was no person arrested in due course instead what is seen is only deaths.

- 9.14 It was also noted that communities are aware on the fact that the area is a GCA but they were allowed to go on cultivating until 30<sup>th</sup> August, 2012.

## 10.0 Conclusion

The fact finding team was satisfied with the evidence that the so called patrol/operation did not follow any law or procedures rather; it aimed at plundering the villagers' property. It was only named patrol to cover the wrong deeds which left 5 innocent and unarmed villagers dead and 3 others with painful wounds in body and soul. It probes a number of unanswered questions which have left villagers in the area in serious trauma as the incidence caught them in surprise only seeing 5 of their beloved fellows, husbands and neighbors dying and left unattended. The incidence is in no way justifiable.

## 11.0 Recommendations

- 11.1 The government through the Police force should immediately form a probe commission to investigate on killings and the report should be put in public as immediate as possible.
- 11.2 All the perpetrators of the killings should be taken court so that justice can be achieved
- 11.3 The PCCB should probe on the allegations on acts related to plunder of people's property including money.
- 11.4 Communities should be informed/given notice before the operations and those involved the operation should be trained.
- 11.5 The government should compensate all the victims of the incidence both injured and deceased
- 11.6 The government should monitor closely the district officials' deeds to avoid plundering of people's property like phones, money, chicken etc.
- 11.7 The government should immediately set clear boundaries to avoid future killings of innocent people and other conflicts.

- 11.8 The government should immediately ban the use of soldiers in conducting operations in Ulanga and elsewhere to avoid unnecessary killings as soldiers are trained to kill and not to arrest.
- 11.9 The government should take to task all those who were involved in the incidence either directly or indirectly

## 12.0 Way forward

- 12.1 CSOs under TALA auspice should file a private prosecution on behalf of the victims to try justice.
- 12.2 TALA should put a long term initiative in conducting land rights and human rights in Ulanga district.
- 12.3 TALA should immediately work out to protect key witnesses for the sake of their safety
- 12.4 TALA should continue making close follow so that victims of the incidence are timely, adequately and justly compensated.
- 12.5 TALA should continue making follow up and closely monitor on demarcation of the reserved area
- 12.6 TALA should keep an open to monitor the progress in the preparation of the coming eviction- in August.
- 12.7 The media should objectively and widely report on the matter
- 12.8 Series of special report/documentary/features should be prepared and aired to the public.
- 12.9 TALA should immediately hold a press conference to brief the public on the matter
- 12.10 There is need for TALA to organize a bigger mission that will cover bigger area of the valley where there a number of reported cases of violation of land rights and human rights.