

## IWGIA BRIEFING NOTE

### **Arrests and harassments of human rights defenders in Tanzania**

*25 August 2016*

The International Work Group for Indigenous Affairs (IWGIA) would like to call attention to the ongoing situation of harassments and arbitrary arrests of human rights defenders in Loliondo in northern Tanzania. The human rights defenders have for several years been peacefully campaigning for their land rights to be respected. This has included campaigning against the land grabbing, forced evictions and other forms of human rights violations that they have been facing due to large scale commercial tourism and wildlife hunting activities on their lands. Otterlo Business Corporation (OBC), a hunting company from the United Arab Emirates (UAE), was allocated hunting rights in 1992 on the land of the local Maasai communities in Loliondo, and this land allocation was done by the Government of Tanzania with no local community involvement and without seeking their free, prior and informed consent. The allocation of hunting rights to the OBC has not given the company ownership rights to the land, which is legally registered as village land. Nevertheless the government attempted in 2009 to evict the local Maasai pastoralists, burning down their houses, destroying their property and food stocks, chasing away livestock and beating and harassing people. Subsequently no compensation was offered and the alleged human rights violations have not been addressed. In the following years the conflicts continued and the Maasai people continued to advocate for their land rights to be respected, including by filing a constitutional case in High Court that is still pending. It is in this context that the current intensified harassment of human rights defenders in Loliondo should be viewed. For more background please see:

[http://www.iwgia.org/publications/search-pubs?publication\\_id=727](http://www.iwgia.org/publications/search-pubs?publication_id=727)

[http://www.iwgia.org/iwgia\\_files\\_publications\\_files/0745\\_IGIA\\_Urgent\\_Alert\\_concerning\\_Gross\\_Human\\_Rights\\_abuses\\_toards\\_Pastoralists\\_in\\_Loliondo\\_Ngorongo\\_dist.pdf](http://www.iwgia.org/iwgia_files_publications_files/0745_IGIA_Urgent_Alert_concerning_Gross_Human_Rights_abuses_toards_Pastoralists_in_Loliondo_Ngorongo_dist.pdf)

<http://unsr.jamesanaya.org/cases-2010/32-united-republic-of-tanzania-alleged-forced-removal-of-pastoralists>

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+P8-RC-2015-0242+0+DOC+XML+V0//EN>

IWGIA has received information from our partners and networks in Tanzania that the present situation in Loliondo is very serious and that the following has recently taken place:

**20 July 2016 – five people detained in police custody in Loliondo**

In the course of 20 July 2016, armed police detained five residents of Ngorongoro District. Those detained were two district councillors, one NGO staff and two teachers. They were all locked up in a cell at the main police station in Loliondo.

**21 July 2016 – four more people detained under police custody**

During 21 July, four more people were detained under police custody: two village chairmen, one NGO staff and a former Member of Parliament (MP). All 9 were interrogated at night time, for 3 nights.

**21 July 2016 - advocate offers legal representation to the detainees**

The Tanzania Human Rights Defenders Coalition (THRDC) and the Legal and Human Rights Center (LHRC) sent an advocate to offer legal representation to the nine people held in custody.

**22 July 2016 - the advocate was arrested and later released on bail**

The advocate was allegedly charged with committing the same crime as his clients, but later released and told to report on 25<sup>th</sup> July.

**23 July 2016 - six detainees released without charge**

By 23<sup>rd</sup> July, the two District Councillors, the two Village Chairmen, one of the NGO staff and the former MP were discharged from police custody without being charged. One NGO staff and two school teachers remained in custody.

**25 July 2016 - Advocate arrested**

Initially when the advocate reported as requested to police, the OCD (Officer in charge of District) said that he had never been arrested and was a free man. The advocate then went to court to represent his clients, but was then actually arrested and handcuffed while still in full advocate uniform, and taken to the police cells. The advocate was released the same day without charge.

**Experience of torture and beatings while being detained in police custody**

Three prisoners remained in police custody, one NGO staff and two teachers. They were denied legal representation and stayed 12 nights in total in the Loliondo main police station cell, without bail or charges. In the course of the 12 nights, they were beaten, tortured and endured night long interrogations and some of the prisoners were threatened that they would be killed. It is alleged that the beatings and abuse were committed by a team of senior police from Dar es Salaam police headquarters.

The torture was allegedly aimed to achieve different outcomes depending on who the prisoner was: the politicians were intimidated to ensure that the disputed 1,500 km<sup>2</sup> of land was vacated for the hunting safari investment Otterlo Business Cooperation (OBC), whilst NGO staff and teachers were intimidated to deter them from campaigning for peoples' land rights.

It has been alleged from informal sources that a team constituting the military, police, homeland security and immigration has been formed, and that this team is mandated to harass, intimidate and

arrest leaders, community members and activists opposed to the activities of large scale land investors in Loliondo. There is however no officially confirmed information available about this.

**1 August 2016 – after 12 days in custody, the three remaining detainees were released on bail and charged**

On 1<sup>st</sup> August the two teachers and the NGO staff were released on bail. The following charges were made against them:

1. Masterminding the Loliondo land conflict campaign,
2. Spying- communicating with outsiders on the land issues,
3. Cyber crime - sharing sensitive land information through social media,
4. Blocking the government from getting the revenues of the OBC hunting safari operation,
5. Interfering with village autonomy - influencing the villages not to enter agreement with OBC,
6. Citizenship – alleging that the NGO representative is Kenyan,

The three are currently defended by the lawyers from Tanzania Human Right Defenders Coalition and Legal and Human Rights Center. However, both organizations are experiencing hardship in sustaining the legal defence because of financial constraints and the harassment that the lawyer has faced. A court hearing was scheduled for 10<sup>th</sup> August, but was postponed until 2nd September.

**15 August 2016 - an NGO leader was detained in police custody in Loliondo, later released on bail**

Another prominent NGO leader disappeared in Arusha during a visit to the Regional Commissioners Office on Friday 12<sup>th</sup> August and reappeared in police custody in Loliondo police station on Monday 15<sup>th</sup>. Later in the day the NGO leader was charged with the same charges as the other human rights defenders, and bail was granted. The NGO leader is due to appear in court together with the others charged, on 2<sup>nd</sup> September.

**19 August 2016 - 34 community members detained in police custody**

The communities in Loliondo have also reacted to the arrest of human rights defenders.

On 19 August 2016 the District Commissioner was returning from Arusha to Loliondo, when his vehicle was stoned in one of the villages (Maaloni) it passed through. As a result, on 19<sup>th</sup> August 38 people were detained in police custody, and later 20 of those were released without charge.

Three days later, on 22 August the remaining 18 people were released from police custody without charge.

The human rights defenders who are being targeted by the ongoing harassments are getting very scared and worried for their lives and safety - and it is becoming increasingly difficult to carry out advocacy and human rights defence work on issues related to the situation in Loliondo.

IWGIA believes that these developments are a cause of great concern. The detentions, harassment and trumped up charges undermine civil society and other stakeholders, limiting their options to carry out human rights work in Tanzania.