



“WE HAVE LOST EVERYTHING”

FORCED EVICTIONS OF THE MAASAI IN LOLIONDO,
TANZANIA

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Cover photo: Maasai community members protesting forced evictions in Loliondo, 10 June 2022.
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ABBREVIATIONS

ABBREVIATION	NAME IN FULL
ACHPR	African Commission on Human and Peoples' Rights
BCG	Bacillus Calmette–Guérin
CCM	Chama Cha Mapinduzi
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
EAC	East African Community
EACJ	East African Court of Justice
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance
ILO	International Labour Organization
IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IUCN	International Union for Conservation of Nature
LHRC	Legal and Human Rights Centre
NCA	Ngorongoro Conservation Area
NCAA	Ngorongoro Conservation Area Authority
NGO	Non-governmental organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
PCCB	Prevention and Combating of Corruption Bureau
TANAPA	Tanzania National Parks

ABBREVIATION	NAME IN FULL
TCL	Tanzania Conservation Limited
UAE	United Arab Emirates
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHRC	United Nations Human Rights Council
WWF	World Wide Fund for Nature

EXECUTIVE SUMMARY

“Land is everything to us. Our culture, our identity, our livelihood. We have lost everything.”

69-year-old woman from Ololosokwan village in Tanzania, now living in Olpusimoru village in Kenya.

On 10 June 2022, Tanzanian government multi-agency security forces used force, including live ammunition and tear gas, to crush protests by Maasai residents of Loliondo; the Maasai had assembled in Ololosokwan village in Loliondo to resist a demarcation exercise being conducted by the security forces – in the name of conservation. The security forces consisted of the Tanzania People’s Defence Force, the Tanzania Police Force, its Field Force Unit, the Ngorongoro Conservation Area Authority (NCAA) and the Tanzania National Parks (TANAPA) rangers.

Forced evictions are part of a larger land rights conflict between the Maasai Indigenous people and the state. Lands used by Maasai pastoralists for grazing are increasingly threatened by the establishment of conservation areas without their consultation or participation. In Loliondo, a division in Tanzania’s northern Ngorongoro district in Arusha region, forced evictions have been exacerbated by the granting of hunting licences to tourism enterprises that have been involved in hunting operations since 1992.

Since 1959 when the Maasai were relocated from the Serengeti National Park to live in Loliondo, the Maasai have been forcibly evicted from their traditional pastoral lands by the Tanzanian government on numerous occasions. Authorities have always claimed that these evictions were necessary for wildlife conservation, even though the land would subsequently be used for tourism activities, including trophy hunting. In 1974, the state established the Wildlife Conservation Act (No. 12 of 1974), now repealed by the Wildlife Conservation Act (No. 5 of 2009), to consolidate and amend the laws relating to the management of biodiversity. In 2009, without the free, prior, and informed consent of the Maasai, the state decided to restrict human activities such as settlements and livestock grazing in an area that the wildlife authorities refer to as the Protected Area Network. This area includes 1,500km² of Maasai village land that the Maasai have been utilizing for grazing their livestock, access to other resources like food, medicinal plants, water sources for themselves and their cattle, and provision of non-timber forest products, for example, for constructing their homesteads. The restrictions left more than 70,000 community members with insufficient land to graze their livestock. Many Maasai animals remain at risk of dying due to shortage of water and pasture.

This research report is an outcome of the research conducted by Amnesty International into the actions of the Tanzanian authorities that resulted in multiple forced evictions of the Maasai Indigenous people of Loliondo. It focuses primarily on human rights violations during the forced evictions of June 2022, but also looks at other historical human rights violations and discrimination of the people of Loliondo, which culminated in the events of June 2022. The report reveals that brutal force was used against the Maasai to acquire the 1,500km² of village land in Loliondo and highlights grievous defects in the decision-making process used to justify the forced evictions. These include several violent forced evictions in 2009, 2013, 2017 and 2022 by the multi-agency security forces, in the company of representatives of a private company licensed to operate tourism activities and hunting in Loliondo during all instances. It also exposes how the state continues to exclude from its conservation plans community members who have the right to and are custodians of the land, and instead displaces them from their traditional grazing lands, restricting their access to resources within their grazing land and providing no compensation.

The report examines human rights violations, including the excessive use of force by Tanzanian authorities against the Maasai in Loliondo on 10 June 2022. During the 10 June protests, Tanzanian authorities shot and tear-gassed Maasai community members who were resisting the forced eviction exercise, resulting in the injury of at least 40 people. Most

of those who were seriously injured crossed the border to Kenya to get medical treatment after local health facilities in Loliondo declined to treat them without a Tanzania Police Medical Examination Form (PF3). Public hospitals and dispensaries insisted, without legal justification, that the form had to be obtained before victims could be treated, even if their lives were in danger.

Amnesty International documents that, on 7 June 2022, hundreds of security personnel from different government agencies descended on Loliondo in a fleet of motor vehicles and then set up camps near Ololosokwan village. On 10 June 2022, the security forces began using force to disperse community members who had gathered to protest the demarcation exercise by removing the beacons that the security personnel had placed marking the boundaries of the 1,500km² of land that the Maasai lay claim to.

Family and community members last saw Oriaisi Pasilance Ng'iyu, an 84-year-old man, injured after he was shot by the security forces in both legs. Four Maasai men tried to carry him away as they were escaping but security forces also shot at them. They were forced to abandon him on the ground to save themselves when security forces continued to fire gunshots in their direction. Oriaisi Pasilance Ng'iyu was still missing at the time of this publication.

Eyewitnesses informed Amnesty International that, on 10 June 2022, security forces attacked them in their homes where they destroyed food, crashed into motorbikes with their vehicles, and beat anyone they came across. The attacks were carried out without any warning. Properties inside the 1,500km² demarcated area and within 2km of the beacons were targeted. Security forces destroyed homes, including huts and enclosures for livestock, by driving heavy trucks through them. Some people recounted that security personnel entered their homes and stole money and other valuables. The security forces left Maasai community members in Loliondo living in fear and lacking safe, adequate shelter. They can no longer graze their cattle close to where the beacons have been erected. They also cannot walk close to or inside the area because members of the security forces would beat them up and/or confiscate their animals.

During and after the June 2022 forced evictions, security authorities prevented media outlets and non-governmental organisations (NGOs) from accessing affected areas of Loliondo or reporting on the forced evictions by actively censoring them from independently reporting on these evictions. Speaking to the media, representatives of the security authorities denied excessive use of force during the evictions, claiming that the Maasai community members had been fully consulted, and that the community was relocating voluntarily. Reporting was compromised by these false assertions from the authorities.

In addition, for several days after the 10 June 2022 events, many community members fled from their homes to hide in the wilderness. According to those interviewed, many Maasais from Ololosokwan hid for weeks with their relatives in the forest and national park, not in any specific place since they were constantly moving as they grazed their livestock. Many fled the country to Narok in Kenya. The forced evictions and resulting movement caused a disruption to education that could have severe effects on learning. As of May 2023, about 60 families were still living in Narok, Kenya. They are living in impoverishment and lack access to livelihoods. They expressed that they did not intend to go back to Loliondo since security forces had destroyed their homes and they had lost all their livestock.

People who were arrested for various offences have had to sell livestock to pay for legal fees. Many others, when found inside the 1,500km² area, have had their livestock impounded by wildlife authorities and have had to pay exorbitant fines to have them released. Those who were unable to pay the fines had their animals auctioned off by the authorities. This has impoverished many of those who still live in Loliondo.

Amnesty International's findings are based on research carried out between July 2022 and May 2023, including a visit to the following locations in Tanzania: Arusha and Loliondo, and in Kenya: Olpusimoru and Oloolaimutia villages in Narok. The researcher interviewed 45 individuals, including: 29 Maasai residents, three lawyers, three journalists, one Kenyan chief in Siana ward where some of the people from Loliondo are currently living, one Kenyan doctor in Oloolaimutia, a Kenyan Maasai in Olpusimoru hosting some Maasais from Loliondo, a former employee of an organization involved in Loliondo, two academics and four NGO representatives with knowledge of the situation of the Maasai Indigenous people in general and the Maasai community in Loliondo. Eighteen of those interviewed were in Loliondo between 9 and 10 June 2022 when security forces began the land demarcation and security operations. All interviewees gave informed consent in advance of being interviewed. Amnesty International also examined 47 images and 12 videos as evidence of security forces using their weapons; the injuries borne by residents; livestock with gunshot wounds; and residents fleeing with their livestock. Amnesty International conducted its own assessments of the number of people wounded during the security forces operations.

Amnesty International found that dozens of people were arbitrarily detained between June and November 2022, and unfairly charged with offences in relation to the killing of a police officer who died during the protests on 10 June 2022. Between 9 June 2022 and 11 July 2022, the authorities arrested and charged 27 people with murder-related offences in court. According to the Criminal Procedure Act, this was in violation of due process because the Resident Magistrate Court before which they were brought has no authority over murder. Ten of the people charged with murder were arrested on 9 June, a day before the alleged murder took place. Between 2 and 6 July 2022, state authorities, including officers from the Tanzania Immigration Department, further conducted many other arbitrary

arrests across several villages in Loliondo (including Kiratlo, Soitsambu, Njoroi and Nguserosambu) resulting in the arrest and charging of a further 132 persons for allegedly being in the country illegally. All the 27 Maasai charged in connection with the murder case, and all the 132 charged for being in the country illegally, have since been discharged by court for lack of evidence.

The forced eviction was carried out when the East African Court of Justice (EACJ) had yet to deliver its judgement in a case filed by the Pan African Lawyers Union (PALU), on behalf of villagers, after several disputes emerged regarding the ownership and use of the 1,500km² portion of the villagers' land that borders the Serengeti National Park. In doing so, the Tanzanian government officials disregarded the court's 25 September 2018 orders, which included explicit directions that the state cease from evicting the Maasai until the case had been determined.

In accordance with Article 13 of the Constitution of Tanzania that provides that all persons are equal before the law and are entitled to, without any discrimination, protection and equality before the law, the Tanzanian authorities must respect, protect, promote, and fulfil the human rights of everyone and halt the ongoing forced eviction of the affected Maasai community from their ancestral lands in Loliondo. The constitution further provides that "no person shall be discriminated against by any person or any authority acting under any law or in the discharge of the functions or business of any state office."

The UN Special Rapporteur on Human Rights and the Environment stated that "[f]ortress conservation measures are formidable threats to Indigenous peoples and other rural rights holders' human rights, including their nature governance practices and traditional livelihoods, food security, educational opportunities, health, and access to traditional medicines, safe drinking water and culturally and spiritually significant sites." The World Bank has found that "engaging [Indigenous peoples'] more effectively in biodiversity conservation represents a win-win situation" and that "Indigenous peoples are carriers of ancestral knowledge and wisdom about this biodiversity. Their effective participation in biodiversity conservation programmes as experts in protecting and managing biodiversity and natural resources would result in more comprehensive and cost-effective conservation and management of biodiversity worldwide."

Wildlife conservation must therefore be a win-win solution where those who live close to wildlife can be involved in protecting it, while continuing to gain from the conservation themselves through their livelihoods such as the use of grazing land for the Maasai. Any tourism initiatives on Indigenous peoples' lands must only proceed with their free, prior, and informed consent, and with benefit-sharing from revenues that the state gains from them.

The Tanzanian government is also obliged to protect its people from human rights abuses, including abuses committed by private companies. All companies must be regulated to prevent the pursuit of profit at the expense of human rights. Companies, on the other hand, have a responsibility to respect all human rights wherever they operate. This responsibility is laid out in the UN Guiding Principles on Business and Human Rights (UN Guiding Principles), an internationally endorsed standard of expected conduct.

The responsibility of companies to respect human rights is independent of a state's own human rights responsibilities and exists over and above compliance with national laws and regulations protecting human rights. This responsibility requires companies to avoid causing or contributing to human rights abuses through their own business activities and to address impacts with which they are involved, including by remediating any actual impacts. Tanzanian authorities must therefore conduct impartial, independent, and transparent investigations into the role of corporate complicity in the forced evictions in Loliondo with a view to holding any perpetrators fully accountable, in accordance with domestic and international standards of due process.

METHODOLOGY

Between June 2022 and May 2023, Amnesty International conducted research into the forced evictions of the Maasai Indigenous people of Loliondo. The research followed events of June 2022, when security forces used force, live ammunition, and tear gas to crush protests by Maasai residents of Loliondo who were resisting a demarcation exercise by the state that would deny them local access to their grazing land. The evictions were claimed to pave the way for the establishment of a wildlife protected area. The residents removed the concrete boundary beacons erected by members of the security forces to demarcate the 1,500km² of land, which is part of the Maasai ancestral territory. A 'boundary beacon' (henceforth 'beacon') refers to any survey mark affixed, erected, or placed for the purpose of denoting the boundaries of any land, as per the Land Survey Act in Tanzania.

For the most part of 2022 and the beginning of 2023, Tanzanian authorities deliberately restricted journalists and civil society organizations access to Loliondo. In July 2022, Amnesty International interviewed 29 people from Loliondo comprising 13 men and 16 women. The interviews were conducted in Arusha town and in Olpusimoru and Oololaimutia villages in Narok county, Kenya, where hundreds of Maasais from Loliondo were being hosted by Maasai communities from Oololaimutia and Olpusimoru villages. At the time, out of the 29, nine were still living in Loliondo, seven were living in Arusha town, and 13 were in Kenya.

In August 2022, the Amnesty International researcher visited the villages in Narok where he interviewed 12 more people, 10 of whom were Maasais who had fled their homes in Loliondo to seek refuge in Kenya. Three of them were being treated for gunshot wounds at the time of the interviews. In March 2023, Amnesty International visited Oloosokwan village in Loliondo on a fact-finding mission and interviewed another four people. In May 2023, Amnesty International conducted a follow-up research mission in Olpusimoru and Oololaimutia villages.

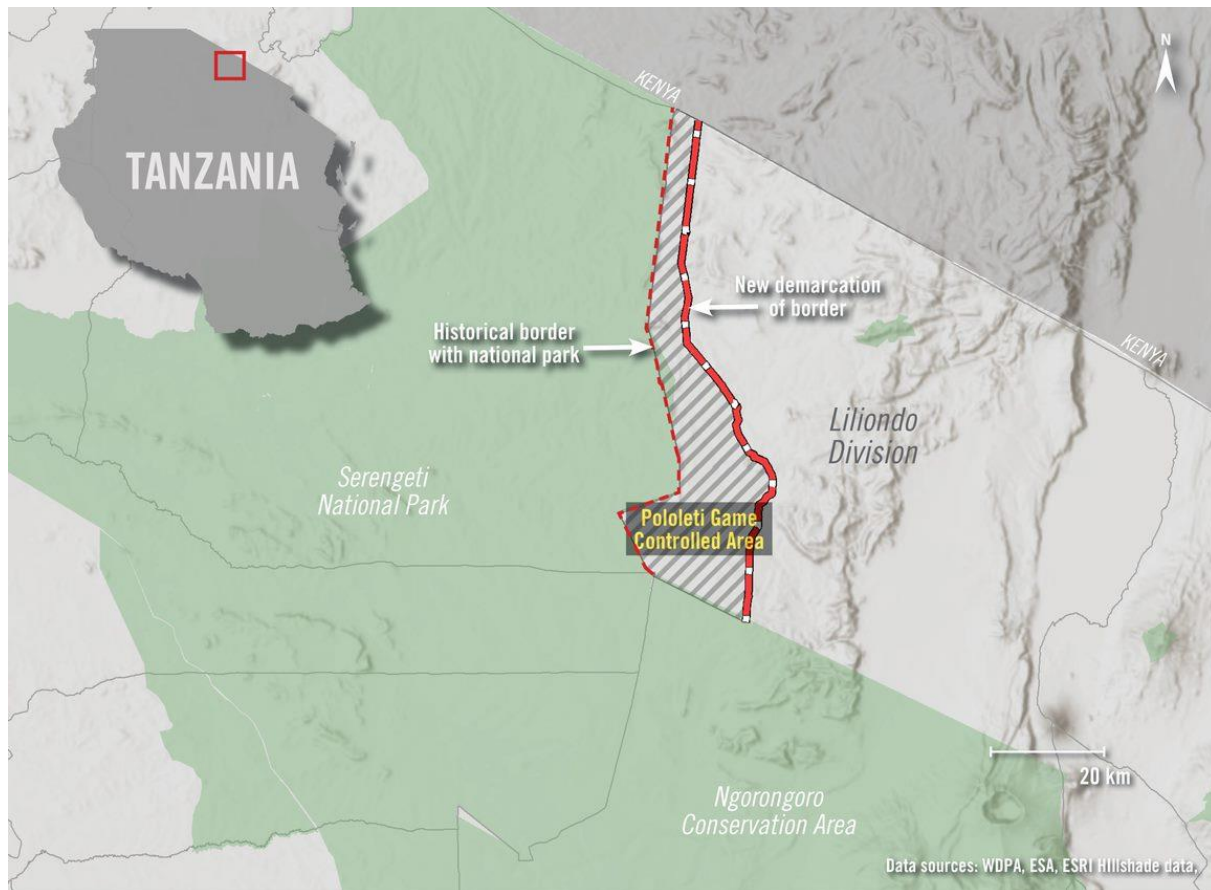
In total for this research, Amnesty International interviewed 45 individuals, including 29 Maasai residents; three lawyers; three journalists; a Kenyan chief in Siana ward where some of the people from Loliondo are currently living; one Kenyan doctor in Olpusimoru; a former employee of a private company involved in Loliondo; a Kenyan Maasai from Olpusimoru hosting some Maasais from Loliondo; two academics; and four NGO representatives with knowledge of the situation of the Maasai Indigenous people in general and the Maasai community in Loliondo. Eighteen of those interviewed were in Loliondo between 9 and 10 June 2022 when security forces began the land demarcation and security operations. All interviewees gave informed consent in advance of being interviewed.

Amnesty International also examined 47 images and 12 videos as evidence of security forces using their weapons; the injuries borne by residents; livestock with gunshot wounds; and residents fleeing with their livestock. Amnesty International conducted its own assessments of the number of people wounded during the security forces operations.

Amnesty International also carried out extensive desk research using information from open sources, including national laws and international human rights standards, reports from civil society organizations, domestic and international news media, and academic journals. The organization reviewed reports and statements, including by the African Commission on Human and Peoples' Rights (ACHPR), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Union for Conservation of Nature (IUCN), the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), and the World Bank. It reviewed official statements made by the Tanzanian government regarding the incidents of June 2022, including at the 73rd Ordinary Session of the ACHPR in October 2022 to determine the state's response to the allegations. Media footage, including print media, televised and radio interviews with state officials speaking about the Loliondo incidents were also examined.

On 11 May 2023, Amnesty International wrote to the Prime Minister of Tanzania, the Minister for Lands, Housing and Human Settlements Development, the Minister of Natural Resources and Tourism, the Minister of Defence and National Service, the Minister of Home Affairs, the Minister of Constitutional and Legal affairs, the Minister of Health, and the Kenyan Cabinet Secretary of Interior and National Administration to provide them with a summary of its key findings about human rights violations committed by the authorities. Amnesty requested comments on the findings but did not receive any responses.

MAP OF LOLIONDO DIVISION



© ↑ The Maasai in the affected villages were forcibly expelled from most of their grazing land, which has been cordoned off as the Pololeti Game Controlled Area, now a game reserve.

BACKGROUND

“I have covered the issue of Loliondo and from speaking to community members, they live in fear of being evicted over and over after evictions that have happened in the past, like the ones in 2009, 2013 and 2017.”¹

Senior journalist and editor.

LOLIONDO

Loliondo division borders the Serengeti National Park to the west, the Ngorongoro Conservation Area (NCA) to the south,² and Kenya to the north.³ Loliondo is estimated to be more than 4,000km² in size and is prized for its biodiversity. It is a beautiful wildlife sanctuary, and one of the habitats from which wildebeest, zebras, gazelles, and other animals originate during their annual migration across the Ngorongoro-Serengeti-Mara ecosystem.⁴

Thousands of tourists visit the area annually. The annual revenue from tourism in Tanzania between 1 July 2022 and 30 June 2023 was estimated at 9,392 million Tanzanian shillings (about USD 4 million), up from 7,292 million Tanzanian shillings (about USD 3.1 million) between July 2021 and June 2022.⁵ Amnesty International was not able to establish how much the Serengeti National Park and the NCA contribute to annual revenues, but it is clearly a significant proportion of the total. Although there are no official statistics regarding the number of tourists who visited the Serengeti National Park and the NCA in 2022, Ngorongoro is the most visited conservation area in Tanzania followed by the Serengeti National Park – the two attracted 725,535 and 472,700 international tourists and domestic visitors in 2019, respectively.⁶ These figures represented almost one-third of the country’s tourist arrivals. According to recent data from the Tanzania National Bureau of Statistics, arrivals in the country increased from 922,692 in 2021 to 1,454,920 in 2022, a 57.7% rise.⁷ National parks and conservation areas in the country are a vital part of the country’s economy.

On 3 June 2022, Tanzania’s Ministry of Natural Resources and Tourism announced that it was demarcating 1,500km² of Loliondo division for conservation, leaving the rest for human activities. This is close to 40% of total land area of Loliondo. The ministry further stated that the demarcated area would form part of the Great Serengeti-Mara ecosystem, comprising the Serengeti National Park, the NCA, the Maswa, Kijereshi, Grumeti and Ikorongo Game

¹ Telephone interview with a senior journalist and editor, 1 August 2022.

² Situated in the northern Ngorongoro district of Arusha region, the NCA is more than 8,000km² of highland plains, savanna, savanna woodlands and forests where wildlife live together with the Maasai Indigenous people who are largely pastoralists.

³ United Nations Educational, Scientific and Cultural Organization (UNESCO), Ngorongoro Conservation Area, 2022, whc.unesco.org/en/list/39/

⁴ Serengeti Park Management, Serengeti National Park: Mara River Migration Crossings Guideline, 2019, tanzaniaparks.go.tz/uploads/publications/en-1682869509-MARARIVERCROSSINGGUIDELINE.pdf

⁵ Ministry of Natural Resources and Tourism, United Republic of Tanzania, Volume 1: Revenue estimates for the year from 1 July 2022 to 30 June 2023, p. 122, on file with Amnesty International.

⁶ Statista, Number of visitors at national parks in Tanzania as of 2019, [statista.com/statistics/1248942/most-visited-national-parks-in-tanzania/](https://www.statista.com/statistics/1248942/most-visited-national-parks-in-tanzania/)

⁷ National Bureau of Statistics, United Republic of Tanzania, “Tourist arrivals, cement, and electricity production and consumption, from January to December 2022”, 9 February 2023.

Reserves, the Loliondo Game Controlled Area, and the Ikona and Makao Wildlife Management Areas in Tanzania, and the Mara National Reserve in Kenya.⁸



← © One of the erected concrete beacons in Loliondo, March 2023.
© Amnesty International

The demarcated area is called ‘Osero’ by the Maasai people⁹ and it is where they grazed their livestock, including cows, goats and sheep.¹⁰ The demarcation of the area meant that more than 70,000 Maasai living in the area would have to be removed and that the rest of the community would no longer be able to graze their livestock there. The people are further prohibited from entering the area to access other resources like food, medicinal plants, and water sources for themselves and their cattle. The Tanzanian authorities claim that the Maasai’s growing population is encroaching on wildlife habitats and that the Maasai community has been destroying the park. In June 2022, Pindi Chana, the Minister of Natural Resources and Tourism, said, “The reality is that the population is growing, livestock increasing, and we have witnessed how the wild animals have been affecting them. We cannot let this trend continue.”¹¹

The Indigenous Maasai people are at risk of being displaced from their ancestral grazing lands to make way for conservation in contravention of the regional and international human rights obligations Tanzania has under the African Charter on Human and Peoples’ Rights (the African

Charter), the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

“We are not criminals and are ready to talk with our government. They should come to us. The royal family has been hunting here over the years. Let them hunt as we get our grass.”¹²

Kasao Ololdapash, Maasai community member, Narok.

CREATION OF THE SERENGETI NATIONAL PARK

Most of the Maasai Indigenous people who live in the two divisions of Ngorongoro (Loliondo and Ngorongoro) were arbitrarily relocated from the Serengeti area when the Serengeti National Park was established in 1959.¹³ Land conflict between the Maasai community in Loliondo and the state began around the time the Serengeti National Park was established in 1952. For many years, until 1958, the Maasai community living in the Serengeti had refused to move

⁸ Ministry of Natural Resources and Tourism, United Republic of Tanzania, “The truth about Loliondo Game Controlled Area”, June 2022, <https://www.mnrt.go.tz/index.php/highlights/view/the-truth-about-loliondo-game-controlled-area>

⁹ Osero means forest in Maasai language. This is according to interviews in person with six affected Maasai people, Arusha and Narok, July and August 2022.

¹⁰ Interviews in person with 12 affected Maasai people, Arusha and Narok, July and August 2022.

¹¹ The Citizen, “Government defends Loliondo demarcation, Ngorongoro relocations”, 23 June 2022, thecitizen.co.tz/tanzania/news/national/government-defends-loliondo-demarcation-ngorongoro-relocations-3857372

¹² Interview in person with Kasao Ololdapash (42 years, male) from Ololosokwan village, Narok, 6 August 2022.

¹³ E. Laltaika, *Pastoralists’ Right to Land and Natural Resources in Tanzania*, 14 May 2014, University of Oregon School of Law, p. 48, on file with Amnesty International.

from their homes.¹⁴ In 1958, Maasai elders, on behalf of the communities of Loliondo and Ngorongoro divisions, entered an agreement with the British colonial administration to renounce their claim to the settlement in Western Serengeti and to move to Ngorongoro district.¹⁵ The NCAA was established in 1959 and is a state authority responsible for the management of NCA.¹⁶

In 1959, Maasai territories were accorded full or open conservation status in Serengeti, Ngorongoro and Loliondo. Loliondo, for instance, was made a Game Controlled Area where Maasais were allowed to live and carry out their socio-economic activities without any restriction. The Tanzanian government retained the power to license hunting, which was at that time restricted so that it did not affect Maasai land tenure. Despite having lived there for many years, it is only in 1974 that the government officially designated and registered Maasai villages in Loliondo.¹⁷ “The Loliondo Game Controlled Area that comprises the entire Loliondo division and part of Sale division of Ngorongoro district was inhabited by Maasais for centuries before colonialism and before the establishment of any conservation status in the area.”¹⁸

The establishment of the NCAA yielded significant control of the 4,000km² of land that the Maasai had been inhabiting since the 1950s to the government authority. On top of this, the currently disputed 1,500km² had already been taken out of the 4,000km² when the state set aside 1,500km² to protect the ecological dynamics of the Great Serengeti-Mara ecosystem under the NCA, with restrictions under the Ngorongoro Conservation Area Act and the Wildlife Conservation Act (No. 5 of 2009).¹⁹ The Maasai were still able to live there and practise their livelihoods and way of life.

In 1974, the state established the Wildlife Conservation Act (No. 12 of 1974), now repealed by the Wildlife Conservation Act (No. 5 of 2009), to consolidate and amend the laws relating to nature. It was then that Government Notice No. 269 declared that 4,000km² in the Loliondo area in Arusha Region would be reclassified as Loliondo Game Controlled Area, purely for wildlife protection²⁰ which then threatened the livelihood and way of life of the Maasai.

DESIGNATION FOR HUNTING

In 1992, the Ngorongoro District Council leased the whole of Loliondo division (referred to as the Loliondo Game Controlled Area) as a designated hunting block to a private company. The hunting block is within an area that is Maasai territory.²¹ Tanzanian authorities allocated this area to the private business without consulting the Maasai community, leaving the Maasais’ very survival in jeopardy.²²

ONGOING LAND RIGHTS CONFLICTS – 2009 ONWARDS

“[As at June 2022], among institutions present [in the villages] was representation of Tanzania National Parks Authority, Tanzania Wildlife Management Authority, Tanzania People’s Defence Force, and the Tanzania Police Force. I know all these security departments by their uniforms.”²³

Senior journalist and editor.

The 2009 Wildlife Conservation Act provides for the separation of game-controlled areas from areas used for human settlement, grazing and other ordinary human activities. While the Wildlife Conservation Act was coming into force, there was a window of 12 months²⁴ for the minister to reassess and through a public notice re-gazette previous game-controlled areas, on the condition that none of them should be retained if they fell within village land. The authorities were to reassess all such land and ensure that areas that contained human settlements were not designated for wildlife. As a result, Loliondo should have been gazetted as village land. Not a single former game-controlled area was

¹⁴ Shivji and Kapinga, *Haki za Wamasai waishio katika Mamlaka ya Hifadhi ya Ngorongoro, HAKIARDHI/IIED*, 1998, on file with Amnesty International.

¹⁵ Agreement by the Maasai to vacate the Western Serengeti, 21 April 1958, on file with Amnesty International.

¹⁶ UNESCO, Ngorongoro Conservation Area, 2022 (previously cited).

¹⁷ Khamis Kagasheki, Minister of Natural Resources and Tourism, “Government clarifies on decision to provide huge tracks of land to Loliondo residents,” 7 April 2013, maliasili.go.tz/highlights/view/government-clarifies-on-decision-to-provide-huge-tracks-of-land-to-loliondo

¹⁸ Email correspondence with Maasai advocate, Joseph OleShangay, 6 May 2023.

¹⁹ Wildlife Conservation Act (No. 5 of 2009), section 17.

²⁰ Khamis Kagasheki, Minister of Natural Resources and Tourism, “Government clarifies on decision to provide huge tracks of land to Loliondo residents” (previously cited).

²¹ UNHRC, Report by the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people, cases examined by the Special Rapporteur (June 2009 – July 2010), A/ HRC/15/37/Add.1.

²² Interviews by voice call with two academics and interviews in person with two NGO leaders, 10 community members from Loliondo and three lawyers, June, July, August, September, October 2022.

²³ Interviews by voice call with a senior journalist and editor, 1 August 2022.

²⁴ Wildlife Conservation Act, Cap. 284 R.E. 2022, formally Act No. 5 of 2009, section 16(4).

reviewed and re-gazetted as required by the law. Fourteen years later, the government is trying to qualify the 1,500km² as uninhibited land by displacing Maasais from it.

Furthermore, without the free, prior, and informed consent of the Maasai, through a government public notice commonly referred to as gazette, the state decided to demarcate 1,500km² of the Loliondo land, out of the 4,000km². This was in breach of the Wildlife Conservation Act, which requires adequate consultation with either local authorities or the Maasai community who are the rightful landowners.²⁵ The now disputed 1,500km² has been demarcated by the state as Pololeti Game Controlled Area,²⁶ with the associated restrictions, including around grazing livestock or planting crops.²⁷

Forced evictions are part of a larger land rights conflict between the Maasai Indigenous people and the government's conservation/tourism development initiatives. Lands used by Maasai pastoralists for grazing are increasingly threatened by the establishment of conservation areas without their consultation or participation, and subsequent issuance of hunting licences to tourism enterprises.²⁸

The security forces operation and forced evictions in June 2022 were the fourth attempt to evict the Maasai Indigenous people from their grazing site at Loliondo. In 2009, 2013 and 2017, accompanied by agents of a private company licensed to operate tourism business and with a hunting concession in Loliondo, security forces used brutal force, such as burning homes, beating people up, shooting rubber and live ammunition, and firing tear gas at people,²⁹ when they forcibly evicted community members from four villages: Ololosokwan, Oloirien, Kirtalo and Arash.³⁰

“In 2013 my home was burnt again. We were not told where to go. The police who protect [a private company involved in Loliondo] camps are the ones who burnt the homesteads.”³¹

Partalala Parmwat, Maasai community member, Narok.

In the August 2017 forced evictions, security officers; including the Tanzanian military, accompanied by representatives of a private company involved in Loliondo, destroyed, and burnt homes and property of Maasai communities living on the 1,500km² of their own land in the Loliondo Game Controlled Area. This happened after the state had issued letters ordering the communities to remove their cattle and villages from the Serengeti National Park.³² Because the areas where the Maasai were living did not fall within the Serengeti National Park, the recipients of the letters had not removed their villages nor cattle from the land. As in all the previous forced eviction exercises, the security forces burnt down Maasai homesteads and the affected people subsequently returned and rebuilt their homesteads.³³

²⁵ Wildlife Conservation Act, Cap. 284 R.E. 2022, formally known as Act No. 5 of 2009, section 16(5).

²⁶ Government Notice No. 421 of 17 June 2022 declaring establishment of Pololeti Game Controlled Area.

²⁷ Khamis Kagashaki, Minister of Natural Resources and Tourism, “Government clarifies on decision to provide huge tracks of land to Loliondo residents” (previously cited).

²⁸ Interviews by voice call with two academics and interviews in person with two NGO leaders, 10 community members from Loliondo and three lawyers, June, July, August, September, October 2022.

²⁹ UNHRC, Report by the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous peoples (previously cited).

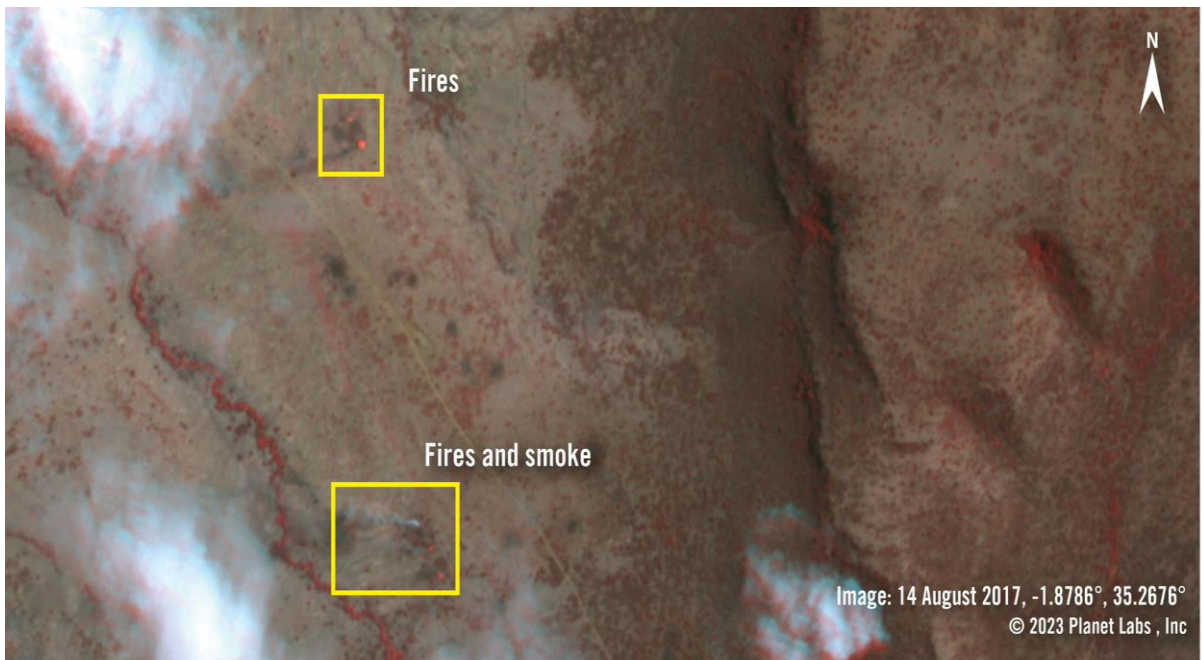
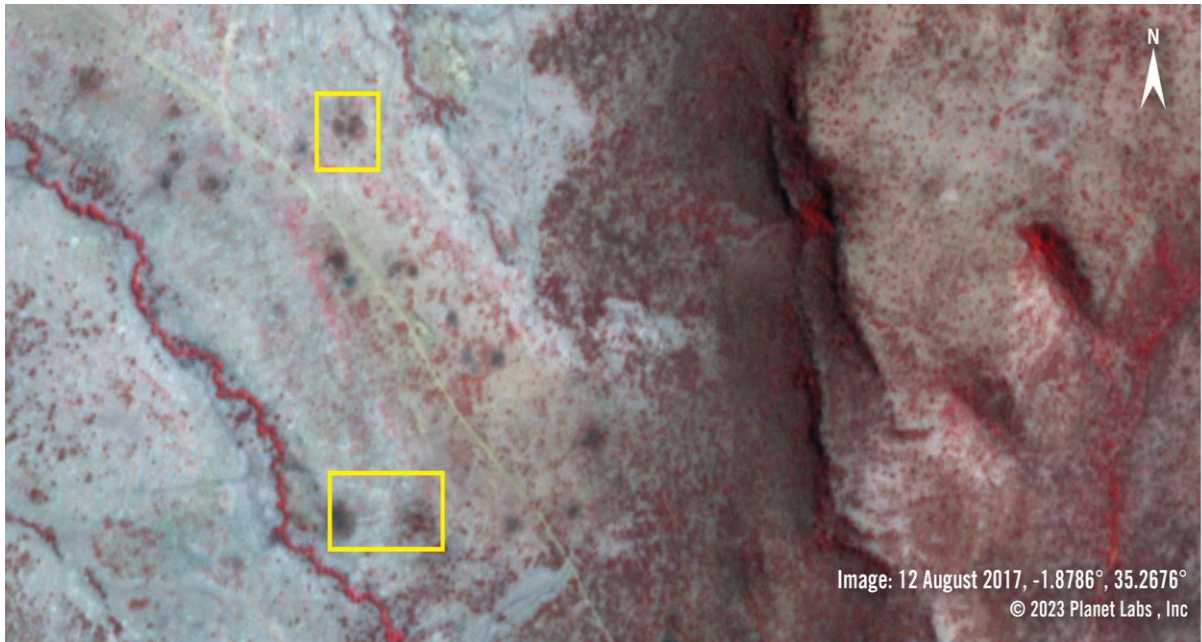
³⁰ Interviews by voice call with two academics and interviews in person with two NGO leaders, 10 community members from Loliondo and three lawyers, June, July, August, September, October 2022.

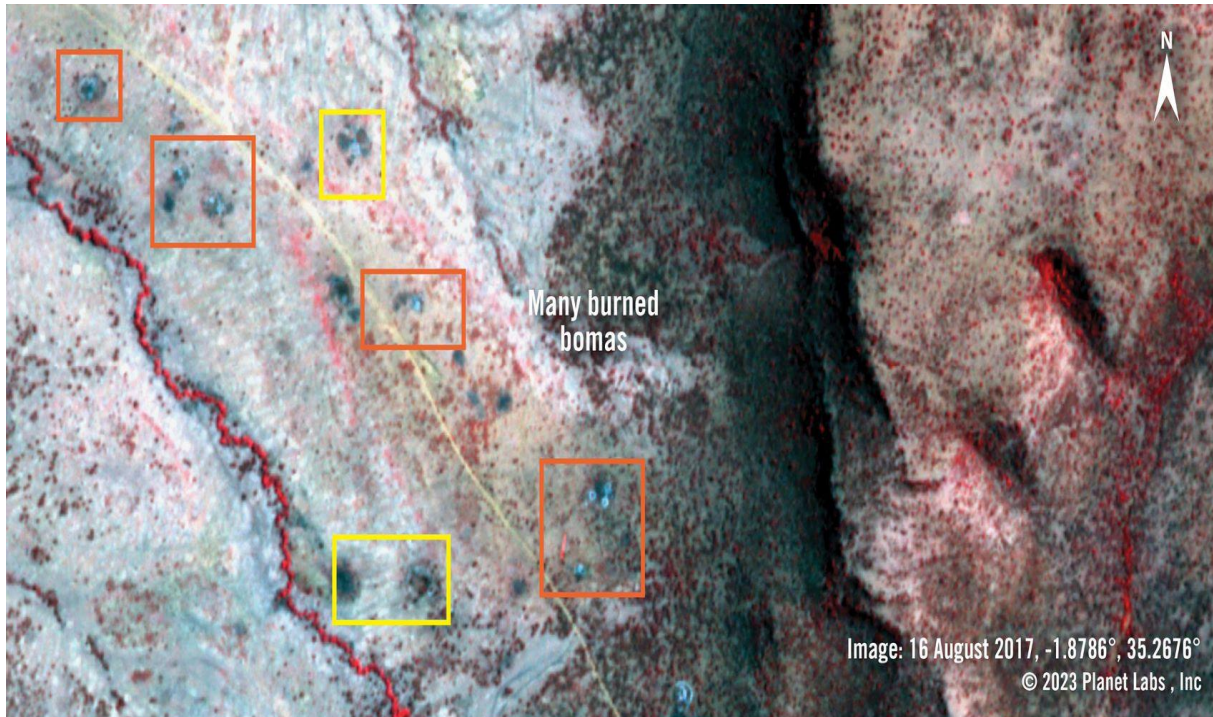
³¹ Interview in person with Partalala Parmwaat (38 years, male), Narok, 6 August 2022.

³² Interviews by voice call with two academics and interviews in person with two NGO leaders, 10 community members from Loliondo and three lawyers, June, July, August, September, October 2022.

³³ Interviews in person with 13 affected Maasai people, Arusha and Narok, July and August 2022; interviews by voice call with one senior journalist and editor in Tanzania and an academic from Maasai community, August, and September 2022.

☺ ↓ The three-satellite imagery below illustrate a few homesteads in August 2017 where fires could be seen.





“Security forces have always used force, but the June 2022 evictions involved a different level of brutality.”³⁴

Maasai community member, Narok

In June 2022, community members saw representatives of the private company, as they had during the previous evictions. They were able to identify the presence of the company representatives through their Toyota Landcruiser vehicles, which are well known in the area.³⁵ The company has not publicly responded in statements to the media or elsewhere about their presence at the forced evictions in Loliondo.

CASE BEFORE THE EAST AFRICA COURT OF JUSTICE

On 21 September 2017, Maasai communities from the four villages impacted by forced evictions in August 2017 filed a case before the East African Court of Justice (EACJ) claiming the disputed land.³⁶ The Maasai community further alleged that the state’s actions were a direct contravention of Articles 6(d) and 7(2) of the East African Community (EAC) Treaty; Article 15(1) of the Protocol on the Establishment of the EAC Common Market; Article 14 of the African Charter; the Constitution of Tanzania; and the Village Land Act.³⁷

On 25 September 2018, the EACJ issued an injunction and explicit orders to the Tanzanian government to stop evicting the Maasai residents until the substantive case that the communities had filed against the state was determined.³⁸ Despite the injunction, Tanzanian authorities went ahead to forcibly evict members of the Maasai community, including those from the four villages in June 2022.³⁹ On 6 June 2022, the Regional Commissioner for Arusha announced the decision to turn 1,500km² of the 4,000km² of designated village land comprising the Loliondo Game Controlled Area into a game reserve and the implementation of operations by security forces that led to the forced evictions.

The EACJ was expected to deliver its judgement on 22 June 2022; however, on 21 June 2022, the court deferred the judgement to September 2022. The state as a respondent in the 2017 EACJ case claimed that it had carried out the 2017 evictions lawfully, within the Serengeti National Park and not within the 1,500km² disputed village land.⁴⁰ A

³⁴ Interviews in person with an affected Maasai person, Narok, May 2023.

³⁵ Interviews in person with 15 affected Maasai people, Arusha, Narok and Loliondo, July and August 2022, and March 2023.

³⁶ EACJ, Reference No. 10 of 2017 *Ololosakwan Village Council & 3 Others vs Attorney General of Tanzania*, 30 September 2022. The community was represented by a team of lawyers from the Pan African Lawyers Union (PALU).

³⁷ EACJ, Reference No. 10 of 2017 (previously cited).

³⁸ EACJ, Reference No. 10 of 2017 (previously cited).

³⁹ Amnesty International, “Tanzania: Halt brutal security operation in Loliondo”, 15 June 2022, [amnesty.org/en/latest/news/2022/06/tanzania-halt-brutal-security-operation-in-loliondo/](https://www.amnesty.org/en/latest/news/2022/06/tanzania-halt-brutal-security-operation-in-loliondo/)

⁴⁰ EACJ, Reference No. 10 of 2017 (previously cited).

former district commissioner of Ngorongoro claimed in court that, in August 2017, the District Security Committee had resolved to evict trespassers out of the national park after issuing them with a notice to leave the park, which they had defied, reiterating that the eviction was carried out within the Serengeti National Park.⁴¹

On 30 September 2022, the EACJ dismissed the substantive case by the Maasai communities against the state, concluding that there was insufficient evidence from the applicants to demonstrate that they had been evicted from village land and not from the Serengeti National Park.⁴² The court nevertheless noted that the eastern part of the Serengeti National Park is registered village land.⁴³ This forms part of the area where the June 2022 forced evictions took place.

Members of the Maasai community, through their legal representatives, the Pan African Lawyers Union (PALU), expressed their concerns that the court had disregarded the compelling multitude of oral and affidavit evidence tendered by the villagers, including evidence from their expert witness, a geo-spatial expert, “on the mere basis that he was a Kenyan and had not sought a work permit to undertake surveys in Tanzania, which is not true”.⁴⁴ Furthermore, the evictions in August 2017 and June 2022 took place within the same 1,500km² location; only in 2022, the state did not claim to be evicting villagers from the Serengeti National Park, as it had claimed in court.

MAASAI INDIGENOUS PEOPLE IN TANZANIA

The Maasai are Nilotic people, their name derives from their historical migration from the southern Nile River to settle in southern Kenya and northern Tanzania in the 18th century.⁴⁵ They are nomads and speak the Maa language.⁴⁶ They self-identify as an Indigenous people. Other Indigenous peoples in Tanzania include the Akie, Hadzabe and Barabaig.⁴⁷ Maasai society is governed by the village elders as part of their cultural practices, and their traditional livelihoods depend on the sustainable use of grazing land. They maintain a close connection with the natural environment and their traditional lands, on which their livelihoods and cultural identity depend. The Maasai now occupy less than one third of the land that they occupied when they settled in the region. “Vast areas of savanna that were formerly managed collectively have been subdivided and put to new use, including for private ranching, agriculture, and commercial development. The Maasai have also been displaced from large stretches of territory that have been designated as national parks and wildlife conservation reserves.”⁴⁸

One of the main ways Maasai people traditionally generate income is through trading products from their herds of cattle. “Cattle represent the fundamental currency in traditional Maasai society. Families seek to accumulate large herds to demonstrate their wealth and status. The livestock are sold and bartered in many kinds of exchanges involving goods and services.”⁴⁹

Animal products also make up their primary source of food. In addition, many Maasais in Loliondo engage in subsistence farming on the land near their homesteads. On average, every family has between two and three acres (8,000-12,000m²) of land that they cultivate. A considerable proportion of the harvest is for domestic consumption and the limited surplus is for sale.⁵⁰

⁴¹ EACJ, Reference No. 10 of 2017 (previously cited).

⁴² EACJ, Reference No. 10 of 2017 (previously cited).

⁴³ EACJ, Reference No 10 of 2017, typed judgement, para. 5.

⁴⁴ PALU, Press release, Judgement by the East African Court of Justice (EACJ) in *Reference No. 10 of 2017 Oloosokwan Village Council & 3 Others vs Attorney General of Tanzania*, 30 September 2022.

⁴⁵ The National Museums of Kenya (NMK), The Maasai Community of Kenya, artsandculture.google.com/story/the-maasai-community-of-kenya-national-museums-of-kenya/dQXRBRpBomHaLQ?hl=en

⁴⁶ G. Sommer and R. Vossen, *Dialects, Sectiolects, or Simply Lects? The Maa Language in Time Perspective*, 1993 and T. Spear and R. Waller (eds.), *Being Maasai: Ethnicity and Identity in East Africa*, 1993, pp. 25-37.

⁴⁷ International Work Group for Indigenous Affairs (IWGIA), “Indigenous peoples in Tanzania,” 12 August 2011, iwgia.org/en/tanzania/654-indigenous-peoples-in-tanzania

⁴⁸ National Geographic, “The cattle economy of the Maasai,” education.nationalgeographic.org/resource/cattle-economy-maasai/

⁴⁹ National Geographic, “The cattle economy of the Maasai” (previously cited).

⁵⁰ Interviews in person with 16 affected Maasai people, Arusha and Narok, July and August 2022.



← © Typical animal enclosure, or kraal, Loliondo March 2023. © Amnesty International

A Maasai village comprises family homesteads or ‘*bomas*’ containing several huts, which are built by the women, who are also responsible for the renovation of the structures.⁵¹ The *bomas* are surrounded by large thorn fences or sticks, and within the *boma* are enclosures for the cattle, often fenced by a shorter thorn fence or sticks. Some Maasai homesteads are enclosed with hedges made with planted thorny bushes and shrubs. In building their huts, the Maasai do not use timber from felled trees. Instead, they use sticks and dead wood plastered with a mixture of water, mud, and cow dung. For the roof they use grass mixed with cow dung. These structures are temporary and are designed to be easily dismantled and reassembled if the family relocates. Cattle hides are often used for bedding materials and for the walls or roofs of the temporary shelters. “More permanent houses include a plaster made from bovine dung and urine.”⁵² Interviewees stated that there are a few homesteads inside the 1,500km² demarcated area, but could not confirm the number.⁵³

“Every wild animal symbolizes something in our community, and they are a totem.”⁵⁴

Noorkirropil Moko, Maasai community member, Arusha.

The Maasai community members interviewed by Amnesty International claimed that they are conservationists and do not destroy the forest. They contribute to the preservation of the ecosystem by not consuming wild animals, which they regard as cultural totems.⁵⁵ The community members who spoke to Amnesty International said that their way of life is dependent on the vegetation inside the grazing land. They sell milk and meat from their pasture-raised livestock to send their children to school. Maintaining a healthy environment and taking care of the land are essential for them to sustain their way of living.

⁵¹ Interviews in person with 12 affected Maasai people, Arusha and Narok, July and August 2022.

⁵² National Geographic, “The cattle economy of the Maasai” (previously cited).

⁵³ Interviews in person with nine affected Maasai people, Arusha and Narok, July and August 2022.

⁵⁴ Interview in person with Noorkirropil Moko, 50-year-old woman, Arusha, 22 June 2022.

⁵⁵ Interviews in person with 12 affected Maasai people, Arusha and Narok, July and August 2022.

THE 2022 FORCED EVICTIONS AND THEIR IMPACT

“That morning, 10 June, I had tried to go over to the villagers’ meeting, but security personnel I met along the way warned against it saying that it was dangerous. I did not know that it would turn out to be like how it did.”⁵⁶

Senior journalist and editor.

⁵⁶ Interviews by voice call with a senior journalist and editor, 1 August 2022.

TIMELINE OF THE JUNE 2022 FORCED EVICTIONS

On 7 June 2022, multi-agency state security forces arrived in Loliondo division to implement the authorities' plans. The state did not use any legal basis to evict the residents of the villages of Loliondo. In fact, it was after the forced evictions, on 17 June 2022, that the state published the Wildlife Conservation (Pololeti Game Controlled Area) (Declaration) Order, 2022 (GN 421 of 2022), which declared that the area had become the Pololeti Game Reserve, a new name. It is believed by lawyers interviewed by Amnesty International that this pronouncement was made so that the authorities could take away the whole 1,500km² of grazing land shared by all the villages of Loliondo, including Ololosokwan, Kirtalo, Oloipiri, Lopolun, Orkuyainie, Oldoinyowas, Loosito, Arash, Ormanie, Oloiswashi, Enkobereki, Olalaa and Kipambi villages, and Piyaya and Malambo village land, without following the required procedures of the Tanzanian Land Act, Village Land Act, Wildlife Conservation Act, and other national laws.

On 9 June 2022, community members from Ololosokwan, Oloirien, Kirtalo and Arash (four villages in Loliondo) gathered to protest the demarcation exercise by removing the beacons that had been erected by the security forces to mark the boundaries of Maasai land that the authorities intended to demarcate as a conservation area. Security forces used tear gas and firearms against the protesters.

On 10 June 2022, Tanzanian government multi-agency security forces, comprising the Tanzania People's Defence Force, the Tanzania Police Force, its Field Force Unit, the NCAA, TANAPA rangers and Tanzania military used force, including live ammunition and tear gas, to crush protests by Maasai residents of Loliondo, who had assembled in Ololosokwan village to resist a demarcation exercise being conducted by the security forces. On the same day, Tanzania's prime minister, Kassim Majaliwa, speaking in parliament, denied that there had been any violent confrontation between security forces and the community in Loliondo, dismissing as fabricated videos indicating the opposite.

On 21 October, Geophrey Privatus Mizengo Pinda, Tanzania's deputy minister, Ministry of Constitutional and Legal Affairs, read a statement at the 73rd Ordinary Session of the ACHPR also denying the state's involvement in forced evictions in Loliondo.

During and after the June 2022 forced evictions, security authorities prevented media outlets and NGOs from accessing affected areas of Loliondo or by actively censoring them from independently reporting on these evictions. Speaking to the media, representatives of the security authorities denied excessive use of force during the evictions, claiming that the relocation of Maasai community members had been undertaken consultatively and that the community was relocating voluntarily.

The Maasais first heard about the government's plan to demarcate land for wildlife conservation purposes on 11 January 2022, when the government announced the plans during a meeting called by state authorities.⁵⁷ There had been no consultation with the affected communities. Amnesty International outlined the allegations to Tanzanian authorities in right of reply letters sent on 11 May 2023; there was no response at the time of publishing of this report.

In its response to the public on reports of forced evictions, the Ministry of Natural Resources and Tourism stated that "[in] view of the need for space for human development activities, the Government of the United Republic of Tanzania has decided to allocate 2,500km² of land to the people living in Loliondo, for community development activities – out of the 4000km² of the Loliondo Game Controlled Area, thereof setting aside 1,500km² for protecting the ecological dynamics of the Great Serengeti-Mara ecosystem".⁵⁸ The implication of this was that about 70,000 Maasai people in Loliondo were to occupy and use the 2,500km² of land for their livelihood and way of life and surrender the 1,500km² to the state for conservation purposes.

There have not been any remedies for the affected persons, including hundreds who fled the country with their livestock after their *bomas* had been destroyed, and those living in fear of arrest by security forces after the confrontation between members of Ololosokwan village and security forces, during which at least 40 community members were wounded.⁵⁹ When Amnesty International visited Narok county, Kenya, where many Loliondo residents had fled for treatment, a medical doctor at the Enkitoria Dispensary in Oloolaimutia told the researcher that he had treated 22 patients (nine men and 13 women), most of whom had sustained gunshot wounds in their lower limbs. The doctor told Amnesty International that he had treated injuries caused by live and rubber bullets.⁶⁰ The wounded were treated and sent back to him for follow-up care. "Those who had complications and needed specialized or premier treatment, I referred them to Longisa County Referral Hospital which is a Ministry of Health primary care hospital located in Longisa, in our neighbour, Bomet county," the doctor told the Amnesty International researcher.⁶¹

⁵⁷ Interviews in person with 23 affected Maasai people, Arusha and Narok, July and August 2022.

⁵⁸ Ministry of Natural Resources and Tourism, United Republic of Tanzania, "The truth about Loliondo Game Controlled Area", para 3 (previously cited).

⁵⁹ Interviews in person with 20 affected Maasai people, Arusha and Narok, July and August 2022.

⁶⁰ Interviews in person with Juma Ole Sampuerrap, a medical doctor, 11 May 2023.

⁶¹ Interviews in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022.

“I heard rumours that security forces were on our land, but I met them for the first time during the shooting incident that happened on 10 June.”⁶²

50-year-old woman, Maasai community member, Narok.

The right to peacefully assemble and act collectively, as the community in Loliondo did, is important for the peaceful expression of ideas and public debate. It is so important that the Constitution of Tanzania provides for this by saying that “every person is entitled to freedom, subject to the laws of the land, to freely and peaceably assemble, associate and cooperate with other persons, and for that purpose, express views publicly and to form and join with associations or organizations formed for purposes of preserving or furthering his beliefs or interests or any other interests”.⁶³ This is also guaranteed in Article 11 of the African Charter and Article 21 of the ICCPR, of which Tanzania is a State Party, having ratified the charter in 1984 and the covenant in 1976.

Law enforcement officials have the obligation under domestic and international law to protect and facilitate the right to freedom of peaceful assembly. They should be guided by the human rights principles of legality, necessity, proportionality, and non-discrimination when policing assemblies. Specifically, law enforcement authorities have the duty to take reasonable and appropriate measures to enable peaceful assemblies that are devoid of fear among those who are participating.⁶⁴

States have an obligation to respect, protect and fulfil these rights – that is, to ensure that their own agents do not violate these rights and that no restrictions are imposed on them other than those that are demonstrably necessary and proportionate for a legitimate purpose permitted under international law; to protect the exercise of these rights against interference by third parties; and to ensure that individuals within their jurisdiction are able to exercise these rights in practice. States have a positive obligation under international human rights law not only to actively protect peaceful assemblies, but to facilitate the exercise of the right to freedom of peaceful assembly.

International law permits the exercise of the right to freedom of peaceful assembly, along with the closely related rights of freedom of association and freedom of expression, to be subject to certain restrictions, but any such restrictions are only permissible if they are, first, provided by law; second, for the purpose of protecting certain public interests (national security or public safety, public order, protection of public health or morals) or the rights and freedoms of others; and, third, demonstrably necessary for that purpose. Any restrictions imposed that do not meet all elements of this ‘three-part test’ constitute violations of the right.

DISREGARD OF RULE OF LAW

The Village Land Act (which is the legislation that governs the administration of village land, under which the whole area of Loliondo was registered, including the 1,500km² demarcated area) provides for equal rights to access, use and control of land. For the state to acquire village land for public interest, it requires the disposition of customary rights of occupancy through approval by the village council. This is intended to protect village land against acquisition by non-villagers. A village council has exclusive decision-making power where the land does not exceed 2.5km². Where it exceeds 250 hectares of land, about 2.5 km², the approval of the district council is needed. In all cases though, the law states that no village land shall be transferred to general or reserved land until the type, amount, method, and timing of the payment of compensation has been agreed upon between the village council and the Commissioner of Lands.⁶⁵

The law further states, “[T]he Commissioner or an authorized officer shall be under a duty to attend a meeting of the village council or village assembly as the case may be to explain the reasons for the proposed transfer and answer questions thereon and any person or a representative of any organization who or which is proposing to use and occupy the village transfer land under a right of occupancy may, at the invitation of the village council or village assembly as the case may be, address the meeting and answer questions if any about the proposed use of the land.”⁶⁶

Section 16 of the Wildlife Conservation Act gives the minister responsible for wildlife, powers to declare any area in Tanzania a game controlled area through a legal order or notice.⁶⁷ Read together with the Village Land Act, the minister responsible for lands “shall cause to be published in the gazette and sent to the village council having jurisdiction over the land which is the subject of the proposed transfer, hereinafter called ‘village transfer land’ a notice specifying – (a) the location of the area of the village transfer land; (b) the extent and boundaries of the village transfer

⁶² Interview in person with a 50-year female, Narok, 5 August 2022.

⁶³ Constitution of Tanzania, Article 20.

⁶⁴ OHCHR, Code of Conduct for Law Enforcement Officials, General Assembly resolution 34/169, 17 December 1979, [ohchr.org/en/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials](https://www.ohchr.org/en/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials)

⁶⁵ Village Land Act (No. 5 of 1999), sections 4(8)(a), (b) and (c).

⁶⁶ Village Land Act (No. 5 of 1999), section 4(7).

⁶⁷ Wildlife Conservation Act (No. 5 of 2009), section 16.

land; (c) a brief statement of the reasons for the proposed transfer; (d) the date, being not less than 60 days from the date of the publication of the notice, when the president may exercise his power to transfer the land or a part of it”.⁶⁸

On 11 January 2022, the plan to relocate the Maasai people from the demarcated land was announced to community leaders, who form the village council, at a meeting with the Regional Commissioner for Arusha, John Mongella, in the Ngorongoro district headquarters in Wasso town.⁶⁹ The leaders claimed that the regional commissioner attempted to coerce them to give consent to government demarcation plans. He informed the village council that, whether they gave their consent, the land would be taken anyway.⁷⁰ There was no further engagement between the affected people and the authorities after 11 January 2022. Their next interaction was on 7 June 2022 when state security authorities arrived in Loliondo to install the beacons.⁷¹

The Maasai community protested the plans but were not given any opportunity for genuine consultation with the authorities.⁷² This contravenes ICERD, to which Tanzania is a party. In guidance to state parties, the Committee on the Elimination of Racial Discrimination (CERD) calls on them to “ensure that members of Indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent”.⁷³

BRUTAL DISPERSAL OF PROTESTERS

Amnesty International has documented excessive use of force by Tanzanian authorities when they tried to disperse community members in Loliondo. According to eyewitnesses, on 7 June 2022, hundreds of personnel from different government agencies descended on Loliondo in a fleet of motor vehicles and then set up camps near Ololosokwan village.⁷⁴ Among them were members of the Tanzania Police Force, NCAA, Tanzania National Parks Authority, Tanzania Wildlife Management Authority, and the Tanzania People’s Defence Force.



← © A gunshot bullet wound and scar on a Maasai woman’s leg, Loliondo, March 2023. © Amnesty International

Witnesses interviewed by Amnesty International said that the soldiers from the Tanzania People’s Defence Force participated in the dispersal of protesters. It should be noted that UNHRC General Comment No. 37 on the right of peaceful assembly states that only law enforcement officials trained in the policing of assemblies, including on the relevant human rights standards, should be deployed for that purpose.⁷⁵

Eyewitnesses informed Amnesty International that on 8 June 2022 dozens of security forces vehicles moved around the community villages for the entire day.

Officers in the vehicles appeared to be surveying the land. They were not engaging the community as they carried out their inspection. Respondents identified the vehicles by their distinct colours, representing different security agencies. White four-wheel drive vehicles associated with the police and jungle green vehicles associated with the Field Force Unit were identified. Vehicles associated with the Tanzania People’s Defence Force were also spotted.

Respondents informed Amnesty International that on 9 June 2022, after 4pm, more than a dozen security forces vehicles returned to Ololosokwan village. About 100 security officers emerged from the vehicles.⁷⁶ Security officers, mostly police officers, erected four, white, concrete masts – about five feet tall, within people’s homesteads. The

⁶⁸ Village Land Act (No. 5 of 1999), section 4.

⁶⁹ Interviews in person with two lawyers from Loliondo, Arusha, 10 March 2023.

⁷⁰ Interview in person with a village chairman of Ololosokwan, August 2022; interviews in person with three lawyers representing accused persons, Arusha, 22 July 2022.

⁷¹ Interviews in person with 16 affected Maasai people, Arusha and Narok, July and August 2022.

⁷² Interviews in person with 13 affected Maasai people, Arusha and Narok, July and August 2022; interviews by voice call with one senior journalist and editor in Tanzania and an academic from the Maasai community, August, and September 2022.

⁷³ CERD, General Comment 23 on the rights of Indigenous peoples, 1997, para 4(d).

⁷⁴ Interviews in person with 23 affected Maasai people, Arusha and Narok, July and August 2022.

⁷⁵ UNHRC, General Comment No. 37 on the right of peaceful assembly, UN Doc. CCPR/C/GC/37, 17 September 2020, para. 80.

⁷⁶ Interviews in person with 21 community members from four villages of Loliondo, Arusha and Narok, June, July, and August 2022.

Amnesty International researcher visited Loliondo in March 2023 and verified the presence of the beacons. Witnesses informed Amnesty International that many community members, who had gathered to watch, were expressing confusion and anxiety. The security officers left the village at around 6pm.⁷⁷

After the security personnel left, at least 100 community members came out and removed the beacons. They found them difficult to remove, so it took them some time.⁷⁸ It was after 9pm by the time the Maasais had got the beacons down. Many of them left at that point, but some remained until the return of the security forces the next day. Officers alighted from their vehicles and walked through the area where the beacons had been uprooted. They did not do anything. They returned to their vehicles and drove away.⁷⁹

Witnesses recounted that at around 11am community members decided to gather for a meeting that started with Christian prayers led by a community pastor. After the prayers, eight armed police officers came to the meeting and asked one person from the village to consult with them. The pastor volunteered and afterwards reported back to the community that the security forces wanted them to disperse and said that if they had any concerns, they must relay these to the community leaders who should engage in dialogue with the security forces.⁸⁰

One of the police officers at the meeting said that they had been sent by the government but did not specify who had ordered the land demarcation. He also said that they could only discuss the demarcation with community leaders and no one else.⁸¹ The men then followed them towards where the beacons were. According to eyewitnesses, security personnel started shooting at the group of men and women as they were approaching the beacons.⁸²

The next morning on 10 June 2022, before 6am, vehicles with the markings of Tanzanian security forces sped into Ololosokwan village. Respondents estimated that they were about 50 vehicles and noted that their headlights were on, which provided some light although it was still dark.⁸³

“The village was very dark before but with the vehicles the place had so much light. The vehicles had lit the village in a way I had never seen before.”⁸⁴

Kasao Ololdapash, Maasai community member, Narok.

The security officers went straight to the areas where community members had removed the beacons. At that time, the security forces started shooting in the air.⁸⁵ They fired about 10 times.⁸⁶ The security officers then split into three groups. One group started digging, another stood with their weapons to protect the diggers, and the third group was patrolling the village.⁸⁷ According to some of the villagers interviewed, officers patrolling the villages were shooting in the air from time to time.⁸⁸

That afternoon, members of the security forces went around homes in the villages beating almost everyone they found, including in a homestead where there was a wedding ceremony taking place where they indiscriminately beat Maasai elders using clubs and guns. The security forces had stopped shooting at that time.⁸⁹

Community members told Amnesty International that there were Maasais living inside the 1,500km² demarcated area, whose homesteads were destroyed. The state, however, contends that the beacons were erected at least 8km away from the nearest village in Loliondo, Ololosokwan.⁹⁰

Amnesty International documented that at least 40 people were injured during this incident. The injured included 32 people who suffered bullet wounds, and others who were wounded and bruised by blunt objects. Many of those injured were women. According to the community members interviewed by Amnesty International, the group had decided to let the women lead as they approached the security forces, thinking that they would not be harmed or attacked because of their gender.⁹¹

Based on the interviews, Amnesty International found that it was difficult to know exactly which security officer from which wing shot at the Maasai, because members of the security forces were lying on the ground while shooting at the

⁷⁷ Interviews in person with 10 community members from Ololosokwan village, Narok, 5 August 2022.

⁷⁸ Interviews in person with 10 community members from Ololosokwan village, Narok, 5 and 6 August 2022.

⁷⁹ Interviews in person with four community members from Ololosokwan village, Narok, 6 August 2022.

⁸⁰ Interviews in person with four community members from Ololosokwan village, Narok, 5 and 6 August 2022.

⁸¹ Interviews in person with three community members from Ololosokwan village, Narok, 6 August 2022.

⁸² Interviews in person with three community members from Ololosokwan village, Narok, 6 August 2022.

⁸³ Interviews in person with three community members from Ololosokwan, Narok, 5 August 2022.

⁸⁴ Interview in person with Kasao Ololdapash (42 years, male) from Ololosokwan village, Loliondo, Narok, 6 August 2022.

⁸⁵ Interviews in person with 10 community members from Ololosokwan village, Narok, 5 and 6 August 2022.

⁸⁶ Interviews in person with four community members from Ololosokwan village, Narok, 5 and 6 August 2022.

⁸⁷ Interviews in person with 10 community members from Ololosokwan village, Narok, 5 and 6 August 2022.

⁸⁸ Interviews in person with four community members from Ololosokwan village, Narok, 5 and 6 August 2022.

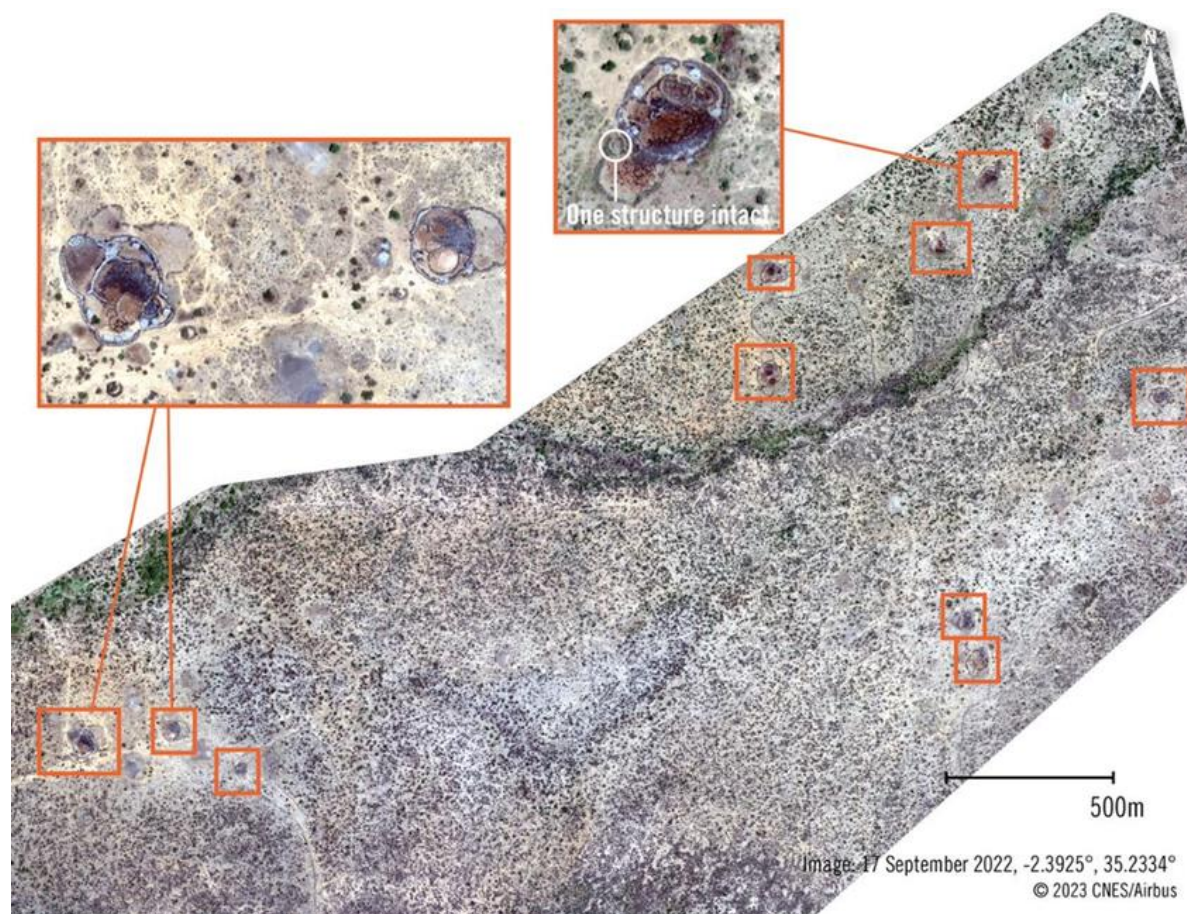
⁸⁹ Interviews in person with four members of the Maasai community from Ololosokwan village, Narok, 6 August 2022.

⁹⁰ Kassim Majaliwa, Prime Minister of the United Republic of Tanzania, 10 June 2022, [youtube.com/watch?v=ShaL-GnvT1E](https://www.youtube.com/watch?v=ShaL-GnvT1E)

⁹¹ Interviews in person with three community members from Ololosokwan village, Narok, 6 August 2022; interview in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022.

villagers.⁹² Amnesty International interviewed one woman who said she could remember the person who shot her – a security officer with a jungle-green uniform. “It was a woman,” she said. “She shot at me four times and one bullet got me on my right leg.”⁹³

THE IMPACT OF THE FORCED EVICTIONS



© ↑ Satellite imagery from 17 September 2022 shows 10 bomas that appear heavily burned. Environmental sensors on NASA/NOAA satellites detected multiple fires in the area on 26 July 2022.

Ololosokwan, Kirtalo and Arash villages were the most affected by the evictions. The Maasai in these villages were forcibly expelled from most of their grazing land, which has been cordoned off as Poleleti Game Controlled Area, now a game reserve.⁹⁴ Villagers within a 2km radius of the newly positioned beacons were ejected, establishing a buffer zone where no human habitation is allowed. Security forces destroyed homes and properties that were found within that area.⁹⁵

After the violence on 10 June 2022, the other villages affected by the demarcation process did not try to protest the exercise. Villagers interviewed claimed that they were too scared after learning what had happened in Ololosokwan.⁹⁶

On 11 June 2022, the Regional Commissioner for Arusha, John Mogella, announced that a police officer, Garlus Mwita, had been killed during the incident.⁹⁷ He stated that he had been killed by an arrow which “[...]” was shot by a

⁹² Interviews in person with five community members from Ololosokwan village, Narok, 5 and 6 August 2022.

⁹³ Interview in person with 30-year-old woman from Ololosokwan village, Arusha, 12 March 2023.

⁹⁴ Interviews in person with 13 members of the Maasai community from Ololosokwan village, Narok, 6 August 2022, and Arusha, 22 June 2022. Email correspondence with one Maasai community lawyer, 6 May 2023.

⁹⁵ Interviews in person with 13 members of the Maasai community from Ololosokwan village, Narok, 6 August 2022 and Arusha, 22 June 2022.

⁹⁶ Interviews in person with 10 community members from Loliondo, July 2022.

⁹⁷ Garlus Mwita was a 36-year-old man.

group of people who wanted to disrupt the exercise”.⁹⁸ There has not been any other report of injury of members of the security forces during the 10 June 2022 ambush.

Eyewitnesses told Amnesty International that the police officer who died might have been killed by community members who instigated retaliation in response to the shooting by security forces. None of the respondents claimed to have seen the person who killed the police officer. Some said that they learned of the death through “gossip”.⁹⁹ Some of those interviewed stated that, although they did not see the police officer being killed, they saw villagers armed with bows and arrows, shooting back at the officers of the security forces.¹⁰⁰

“I met a 75-year-old male who had swollen knees. He said that he had been beaten by Tanzanian police officers and army officers on 10 June 2022. He could identify them. He was not able to run so fast during the confrontation between community members and security forces. The police caught up with him. Some community members tried to plead with the security officers to let the man go but they used their clubs to beat him up.”¹⁰¹

Investigative journalist, Arusha

The Village Land Act requires consultation procedures with the village council and village assemblies in cases where evictions are deemed necessary. Additionally, the Village Land Act requires full, fair, and prompt compensation. The Land Act and the National Land Policy further state that the rights, and interests in land shall not be taken without due process of law; the state reversed the procedure by forcibly evicting the villagers then going on to process the gazettelement of the area as a game reserve.¹⁰² Further, the Wildlife Conservation (Wildlife Corridors, Dispersal Areas, Buffer Zones, and Migratory Routes) Regulations 2018 require designation of buffer zones to be consultative and not automatic with establishment of a protected area, as was with the case in Loliondo.¹⁰³

FEAR AND LACK OF SAFE, ADEQUATE SHELTER

The Amnesty International researcher interviewed three women who, together with their families, were still hiding in fear and sleeping in the wilderness inside the national park more than 12 days after 10 June 2022. They explained that they lived too close to the demarcated land; the beacons were remarkably close to their *bomas* and to Ololosokwan. They claimed that the community could no longer graze their cattle close to where the beacons had been erected. They now could not even walk close to or inside the area because members of the security forces would beat them up and/or confiscate their animals.¹⁰⁴

Maasai women from Loliondo told the researcher that they wanted to be heard. They were incredibly angry because some of them did not know where their husbands and other members of their families were at the time of the interview.¹⁰⁵ They mentioned that they were ready to go public and even on air to talk about the violations they had experienced.¹⁰⁶

According to General Comment No. 37, firearms are not an appropriate tool for the policing of assemblies.¹⁰⁷ UNHRC states that law enforcement officials should de-escalate situations that might result in violence.¹⁰⁸ Authorities are obliged to exhaust non-violent means and to give warning if it becomes necessary to use force, which must be proportionate to the legitimate objective of dispersing the assembly.¹⁰⁹ Furthermore, clear command structures must exist to underpin accountability, as must protocols for recording and documenting events, ensuring the identification of officers, and reporting any use of force. This includes “whether the use of force was necessary and proportionate by setting out the details of the incident, including the reasons for the use of force, its effectiveness and the consequences of it”.¹¹⁰

⁹⁸ John Mongella, Regional Commissioner for Arusha, briefing the media on 11 June 2022 in Arusha, [youtube.com/watch?v=HQmCTLDgn4](https://www.youtube.com/watch?v=HQmCTLDgn4)

⁹⁹ Interviews in person with 10 members of the Maasai community from Ololosokwan village, Narok, 6 August 2022.

¹⁰⁰ Interviews in person with three members of the Maasai community from Ololosokwan village, Narok, 6 August 2022.

¹⁰¹ Interview in person with investigative journalist, Yohani Gwangai, Arusha, 22 June 2022.

¹⁰² Interviews in person with three lawyers representing the Maasai community, Arusha, August 2022.

¹⁰³ Wildlife Conservation (Wildlife Corridors, Dispersal Areas, Buffer Zones, and Migratory Routes) Regulations 2018, section 3.

¹⁰⁴ Interviews in person with three members of the Maasai community, Arusha, 22 June 2022.

¹⁰⁵ Interviews in person with three community members from Ololosokwan village, Narok, 5 and 6 August 2022.

¹⁰⁶ Interviews in person with three community members from Ololosokwan village, Narok, 5 and 6 August 2022.

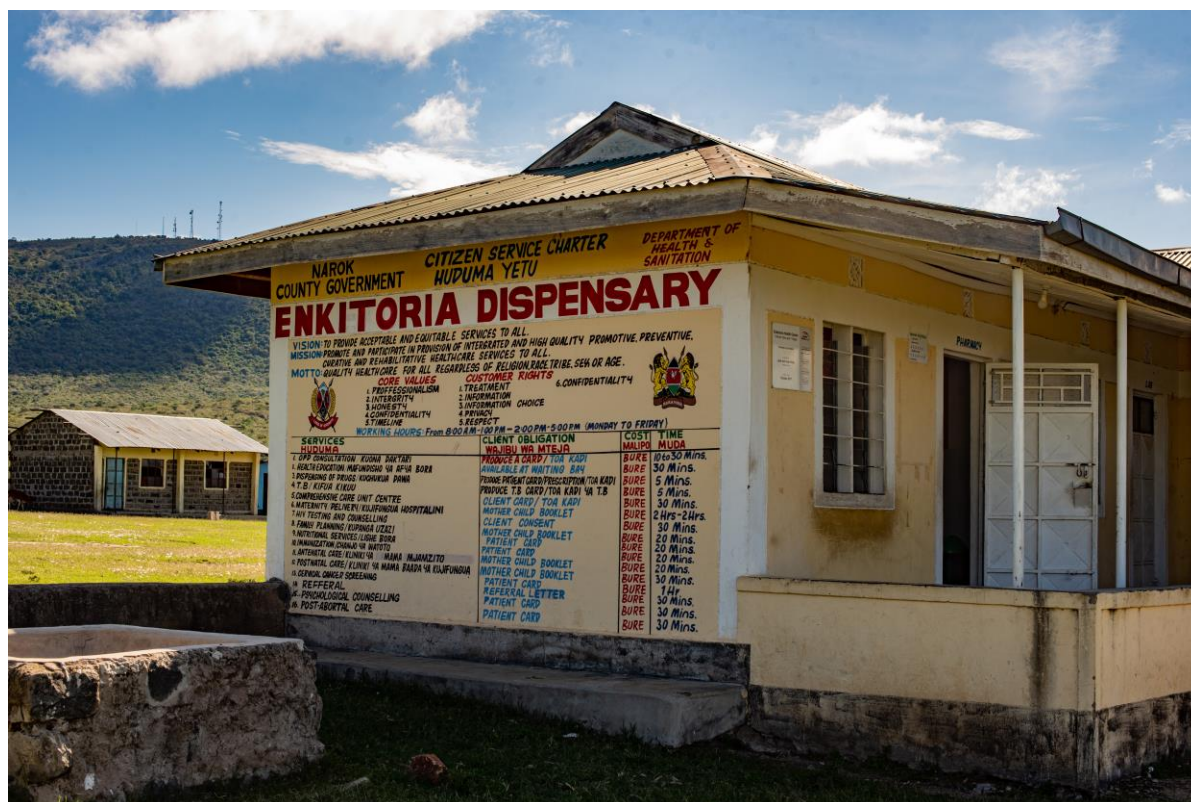
¹⁰⁷ UNHRC, General comment No. 37 (2020) on the right of peaceful assembly (Article 21 ICCPR), para. 88.

¹⁰⁸ UNHRC, General comment No. 37 (2020) (previously cited), para. 78.

¹⁰⁹ UNHRC, General comment No. 37 (2020) (previously cited), para. 79.

¹¹⁰ UNHRC, General comment No. 37 (2020) (previously cited), para. 91.

REFUSED MEDICAL TREATMENT



© ↑ Local dispensary in Narok where Maasais who fled Loliondo division were treated, May 2023. © Amnesty International/Yvonne Kang'acha

According to eyewitnesses, the security forces shot and injured at least 40 people. They fired tear gas at the villagers from close range.¹¹¹ Community members helped carry many of the injured to nearby health facilities, including Serro Dispensary – a government health facility in Loliondo. When they arrived, the nurses there refused to admit them. The nurses said that they had been instructed not to receive injured people from the village and refused to treat them until they had provided a police medical examination form, known as 'PF3',¹¹² which can only be obtained from police stations.¹¹³

Amnesty International interviewed three survivors of gunshot wounds from Ololaimutia and Olposimoru.¹¹⁴ They told the researcher that they had fled Loliondo to seek treatment in Kenya since dispensaries in Loliondo were refusing to admit them without a PF3 form. Their families organised for motorbike transport to take them to Narok (a 150km distance) where they got treatment at Enkitoria and Olposimoru dispensaries.¹¹⁵

Community members who had fled to Kenya also noted that accessing standard medical services in Kenya, after the emergency care they had received for injuries in June 2022, was difficult since they did not have Kenyan identification documents.¹¹⁶

Amnesty International interviewed a medical doctor at the Enkitoria Dispensary. At the time of the interview in August 2022, the doctor had worked at the facility for almost 12 years. The doctor stated that between 10 and 12 June 2022, he had treated 136 people from Tanzania for various ailments. He treated patients ranging from the elderly to children.¹¹⁷ The doctor told the researcher that he knew where they were from because he had asked them, and by their names.

¹¹¹ Interviews in person with three members of the Maasai community from Ololosokwan village, Ololosokwan, 12 March 2023.

¹¹² Interviews in person with 10 members of the Maasai community from Ololosokwan village, Narok, 6 August 2022.

¹¹³ The Police Force Service Regulations 1995 require a person to report to a police station and obtain a PF3 form before proceeding to hospital.

¹¹⁴ Narok is in Kenya, on the south Rift Valley, and shares a border with Tanzania to the south.

¹¹⁵ Interviews in person with three members of the Maasai community from Ololosokwan village, Narok, 6 August 2022.

¹¹⁶ Interviews in person with three community members from Ololosokwan village, Narok, 5 and 6 August 2022.

¹¹⁷ Interview in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022.

“I have worked here for many years. I know almost everyone who comes to the hospital here and others. I am also a Maasai from this area and I know how we name our people. I know the different naming systems between Maasais from Kenya and those from Tanzania.”¹¹⁸

Juma Ole Sampuerrap, medical doctor and Maasai community member, Narok.

According to the doctor, he treated 22 people who had sustained gunshot wounds on their lower extremities; nine were men and 13 women. One man had a gunshot injury on his shoulder; a bullet had penetrated from the back to the front. Some people had soft tissue injuries from being hit by blunt objects.¹¹⁹ He told the Amnesty International researcher that two of the Maasais were badly injured, so he had referred them to Longisa County Referral Hospital, a Kenyan government primary care hospital located in Longisa in Bomet county, north-west of Narok, for specialized treatment.¹²⁰ They were treated and sent back for follow-up care at the Enkitoria Dispensary because they were being hosted in the neighbourhood.¹²¹

Other Maasais had developed pneumonia from walking for long hours in the cold or staying out in the cold as they fled Loliondo to travel to Kenya.¹²² Four pregnant women had developed bleeding; the doctor told Amnesty International that the facility treated them without any cases of miscarriages reported.¹²³

The doctor explained that because of the severity of some of the injuries and the healing time involved, at the time of the interview almost two months after the eviction events, some patients still required follow-up clinics in relation to their injuries. All patients had already been discharged from the in-patient wards since they could walk by themselves.¹²⁴ The doctor also mentioned that, although the health facility had records of the individuals treated there, because of the volume of cases, with some undergoing emergency treatment and others minor treatment, many people were treated at the hospital without their details being taken.¹²⁵

In May 2023 Amnesty International returned to Ololaimutia and Olpusimoru for a follow-up mission. The researcher interviewed the doctor who said that he was still treating many people from Ololosokwan who attend to receive follow-up treatment for their bullet wounds, including two who are still experiencing pain. One patient attending the clinic claims he is still a targeted person and cannot go back home to Loliondo because he has been told that security forces are looking for him in connection to the killing of the police officer. He is separated from his family and the doctor told Amnesty International that he is psychologically affected.¹²⁶ State operatives from Tanzania are still looking for the man.

THE DISAPPEARANCE OF ORIAISI PASILANCE NG'IYO

Some elderly people on the frontline of the group sustained bullet wounds. Oriaisi Pasilance Ng'iyio, an 84-year-old man, was one of them. He was last seen by his family and other community members lying helpless on the ground after he was shot in both legs by the security forces.¹²⁷ Four Maasai men tried to carry him away as they were escaping, but the security forces also shot at them. They were forced to abandon him on the ground to save themselves when security forces continued to fire gunshots in their direction.¹²⁸ Oriaisi Pasilance Ng'iyio was still missing at the time of this publication.

On 21 November 2022, community lawyers filed a petition for a writ of habeas corpus at the High Court in Arusha, asking the court to order the state authorities to produce Oriaisi Pasilance Ng'iyio or his body before a court of law.¹²⁹ In the petition, the petitioner – a biological son of Oriaisi Pasilance Ng'iyio – states that police officer immediately took Oriaisi Pasilance Ng'iyio into a police car “commonly known as defender” and drove away with him to “an unknown place to date and incommunicado”.¹³⁰

“What I remember is that when three police vehicles approached, I was shot in both legs, and I bled profusely and lost consciousness.”¹³¹

Ndetia Naingisa, Maasai community member, Narok.

¹¹⁸ Interview in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022.

¹¹⁹ Interview in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022.

¹²⁰ Interview in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022.

¹²¹ Interview in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022.

¹²² Interview in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022.

¹²³ Interview in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022.

¹²⁴ Interview in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022.

¹²⁵ Interview in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022.

¹²⁶ Interview in person with Juma Ole Sampuerrap, a medical doctor, Narok, 11 May 2023.

¹²⁷ Interviews in person with 10 community members from Ololosokwan village, Narok, 5 and 6 August 2022.

¹²⁸ Interviews in person with five community members from Ololosokwan village, Narok, 5 and 6 August 2022.

¹²⁹ Copy of application habeas corpus, 21 November 2022, on file with Amnesty International.

¹³⁰ Copy of application habeas corpus, 21 November 2022 (previously cited).

¹³¹ Interview in person with Ndetia Naingisa (50 years, female) from Ololosokwan village, Narok, 5 August 2022.

The right to life is guaranteed by Article 6 of the ICCPR. Enforced disappearances violate the right to personal liberty and personal security and are incompatible with the right to life. General Comment No. 36 on the right to life states, “Enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life. The deprivation of liberty, followed by a refusal to acknowledge that deprivation of liberty or by concealment of the fate of the disappeared person, in effect removes that person from the protection of the law and places his or her life at serious and constant risk, for which the state is accountable.”¹³² Tanzanian authorities are required to bring to justice the perpetrators of cases of disappearances and ensure that victims of enforced disappearance and their relatives are informed about the outcome of the investigations and are provided with full reparation.¹³³

“Olengiyo [alternative name for Oriaisi Pasilance Ng’iyo] was left with the police in the field but that was the last time we saw him. It is likely that he died. His body has never been found and his whereabouts is unknown to date.”¹³⁴

Kasao Ololdapash, Maasai community member, Narok.

ARBITRARY ARRESTS AND DETENTION

“Release the 27 people charged with murder. Twenty-seven people cannot all conspire to kill one person with an arrow. There are a lot of illegalities in the process, including where they are trying the case and the mixing of the charges, not to mention the illegal amendments of the statement of offence.”¹³⁵

Yonas Masiaya Laisa, one of the lawyers for the 27 accused persons.

On 9 June 2022, the authorities arrested 10 Maasai community leaders from Loliondo. The 10 included two women aged 27 and 56 years,¹³⁶ who were taken into custody and prohibited from meeting or communicating with family members or lawyers until they had been presented in court – more than a week after their arrests.¹³⁷ They were: Damian Rago (councillor Maaloni ward); Lukas Kursas (councillor Oloipiri ward); Moloimet Saingeu (councillor Ololosokwan ward); Simon Nairiamu (councillor Piyaya ward); Simon Saitoti (councillor Ngorongoro ward); Shengena Killel (councillor Olorien ward); Taleng’o Leshoko (councillor special seats); Kijoolu Kakeya (councillor special seats); Ndirango Senge, the Chairman of the district’s ruling Chama Cha Mapinduzi (CCM) party; and Joseph Malubo Lukumay (a Maasai pastoralist).¹³⁸

According to their lawyers, prior to the arrests, the leaders had been invited to a 9pm meeting at the district commissioner’s office (in Ngorongoro). It is while they were gathered for the meeting that they were arrested and taken to Chekereni Police Station in Loliondo at 11pm. They were held incommunicado at Chekereni until 16 June 2022 when they were arraigned in the Arusha Resident Magistrate’s Court and charged with the murder of Garlus Mwita. In fact, Garlus was killed a day after the leaders were arrested for his murder.¹³⁹ Throughout the duration of their detention, family, friends, and lawyers searched for the 10 arrested persons in police stations in Loliondo and Arusha. The Tanzania Police Force denied detaining them. The police headquarters and the tourism and diplomatic police

¹³² Human Rights Committee, General Comment No. 36 (2018) on article 6 of the ICCPR, on the right to life, CCPR/C/GC/36, 30 October 2018, para. 58.

¹³³ Human Rights Committee, General comment No. 36 (2018) (previously cited).

¹³⁴ Interview in person with Kasao Ololdapash (42 years, male) from Ololosokwan village, Narok, 6 August 2022.

¹³⁵ Interview in person with Yonas Masiaya Laisa, one of the lawyers for the 27 accused persons, Arusha, 22 June 2022.

¹³⁶ According to the statement of offence, on file with Amnesty International, they are Taleng’o Twambei Leshoko and Kijoolu Kakeya.

¹³⁷ Interview in person with Emmanuel Ole Shangai, Ngorongoro Constituency Member of Parliament, and three lawyers representing the accused persons, June, and July 2022.

¹³⁸ Interview by voice call with Emmanuel Ole Shangai, Ngorongoro Constituency Member of Parliament; interviews in person with three lawyers representing the accused persons, June, and July 2022.

¹³⁹ Interviews in person with Emmanuel Ole Shangai, Ngorongoro Constituency Member of Parliament, and three lawyers representing accused persons, Arusha, 22 July 2022.

stations, all in Arusha, are among the places where the lawyers searched for the leaders. The senior police officers, including the regional police commander, said they did not have them.¹⁴⁰

One Kenyan evangelical pastor, Julius Kuyoni, was arrested on 7 July 2022 and detained incommunicado for over one month¹⁴¹, before being charged with espionage in the court in Arusha, on suspicion that he was really a journalist on an investigative mission about the Maasai in Loliondo. Julius Kuyoni was arrested while on an invited church mission to Loliondo.¹⁴² He was released unconditionally on 5 August 2022. His arrest coincided with the authorities' attempts to stop journalists covering the Maasai community's protests against their eviction in Loliondo.

The official registration of arrests and the ability of family members and lawyers to visit detainees are important components of any torture prevention system.¹⁴³ A person deprived of liberty should have the right to inform their family of the arrest and place of detention within 18 hours.¹⁴⁴ Incommunicado detention is a key facilitator of torture and ill-treatment.¹⁴⁵

The Special Rapporteur on Torture asserts that detainees should be given access to legal counsel within 24 hours of detention. In any case, communication with a lawyer must be provided without delay. Delays may only be allowed in exceptional circumstances, not as a matter of routine, and even then "shall not be denied for more than a matter of days".¹⁴⁶ UNHCR upholds, "Counsels should be able to meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications. Furthermore, lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with recognized professional ethics without restrictions, influence, pressure, or undue interference from any quarter."¹⁴⁷

On 14 June 2022, the accused persons' lawyers filed a habeas corpus application in Loliondo court. This preceded the appearance of the arrested community members on 16 June 2022.¹⁴⁸ Although the habeas corpus was for 19 missing persons, 20 persons were brought to court, aged between 19 and 56.¹⁴⁹ They included community leaders and other members of the community whose families had reported them missing to lawyers.¹⁵⁰ The missing 84-year-old Oriaisi Pasilance Ng'yo, whom eyewitnesses saw being shot and lying on the ground on 10 June 2022, 10 leaders and eight community members were among the 19 missing persons listed in the habeas corpus application.¹⁵¹ According to the lawyers, two additional people charged in court among the 20 were arrested between 10 and 16 June 2022.¹⁵² They were all jointly charged with "MURDER" – contrary to section 196 of the Penal Code [Cap. 16 R.E. 2019].¹⁵³

When the 20 persons were presented in court, including the 10 leaders arrested on 9 June 2022, their charges were read in the absence of counsel. Had a colleague, who happened to be in court that day, not called to alert the lawyers that their clients were being charged, this would have remained unknown to them. The lawyers made their way to court only to find that the charges had already been read and the accused were back in detention.¹⁵⁴ The lawyers told Amnesty International that they were only able to see the charges in the copies of the statement of offence.¹⁵⁵ The arrested persons informed their lawyers that, at the time of their arrest, they were not questioned regarding the death of the police officer. They were therefore unaware of the charges against them, until they appeared in court.¹⁵⁶

On 23 June 2022, two other people were added to the statement of offence. It is not clear when or how they were arrested since the statement of offence does not disclose the specific offences with which the accused persons were charged, nor does it provide any information about the nature of the charges. On 29 June 2022, one person was added to the statement of offence and, on 11 July, another four people were added, bringing the total to 27.¹⁵⁷ The 17 additional accused persons were: Malongo Daniel Paschal (21-year-old male); Albert Kiseya Selemba (37-year-old male); Simeli Parmwati (19-year-old male); Lekayoko Parmwati (21-year-old male); Sapati Parmwat (30-year-old

¹⁴⁰ Interviews in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁴¹The Star, "Kenyan evangelist Kuyioni still in Arusha police cells – Pasha," 30 July 2022, [the-star.co.ke/counties/rift-valley/2022-07-30-kenyan-evangelist-kuyioni-still-in-arusha-police-cells-pasha/](https://www.the-star.co.ke/counties/rift-valley/2022-07-30-kenyan-evangelist-kuyioni-still-in-arusha-police-cells-pasha/)

¹⁴² The Star, "Kenyan evangelist Kuyioni still in Arusha police cells – Pasha" (previously cited).

¹⁴³ UNHRC, Communication No. 1776/2008, UN Doc. CCPR/C/100/D/1776/2008, 2 November 2010, paras 7.4-7.5.

¹⁴⁴ UN Economic and Social Council (ECOSOC), Report of the Special Rapporteur on the question of torture submitted in accordance with Commission resolution 2002/38, 17 December 2002, para. 26.

¹⁴⁵ UNHRC, Concluding Observations of the Human Rights Committee: USA, 18 December 2006, UN Doc. CCPR/C/USA/CO/3/Rev.1, para.12.

¹⁴⁶ UNHRC, Civil and Political Rights, including the Questions of Torture and Detention, UN Doc. E/CN.4/2003/68, pg. 11.

¹⁴⁷ UNHRC, General Comment No. 32, Article 14, Right to equality before courts and tribunals and to fair trial, 23 August 2007, UN Doc. CCPR/C/GC/32.

¹⁴⁸ Habeas corpus application, 14 June 2022, on file with Amnesty International.

¹⁴⁹ Statement of offence, 16 June 2022, on file with Amnesty International.

¹⁵⁰ Interviews in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁵¹ Interviews in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁵² Interviews in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁵³ Statement of offence, 16 June 2022, on file with Amnesty International.

¹⁵⁴ Interview in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁵⁵ Statement of offence, 16 June 2022, on file with Amnesty International.

¹⁵⁶ Interview in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁵⁷ Statement of offence, 11 July 2022, on file with Amnesty International.

male); Ingoi Olkedenyi Kanjwel (20-year-old male); Sangau Morongeti (age unknown, male); Morijoi Ngoisa Parmati (20-year-old male); Morongeti Meeki (age unknown, male); Kambatai Lulu (40-year-old male); Joel Clemes Lessomu (54-year-old male); Lekerenga Koyee (68-year-old male); Fred Victor Ledidi (39-year-old male); Wilson Tiwa Kilong (32-year-old male); James Memusi Taki (28-year-old male); Simon Murindati Saitoti (41-year-old male); and Joseph Lukumay (36-year-old male).¹⁵⁸

“The prosecution keeps stating that investigations are incomplete without stating where they are with investigations. This keeps the accused in detention without certainty of what is happening in their case.”¹⁵⁹

Joseph Moses Oleshangay, one of the lawyers of the 27 accused persons.

On 3 June 2022, Sylvester Mwakitalu, the Director of Public Prosecution, directed that all criminal cases be instituted in court after completion of investigations to enable the judiciary to offer timely justice to citizens. It is unfair to charge any person with a crime in court when the police have not completed investigations. The spirit of the directive is to ensure that when the police arraign suspects, the court also sets a date for trial. This was not the case here.¹⁶⁰

The Amnesty International researcher met a village chairperson of Ololosokwan village who was in hiding. He had fled because he was cautioned by friends that his life was in danger after the arrest of 10 community leaders on 9 June 2022. He told the Amnesty International researcher how Moloimeti Yohana, his ward councillor, had heeded a summon by the Ngorongoro district commissioner and had never returned.¹⁶¹

Between 9 June 2022 and 11 July 2022, the authorities arrested and charged 27 people with murder. On 28 June, another count – “CONSPIRACY TO MURDER” – was added to their charges, contrary to section 215 of the Penal Code, [Cap. 16 R.E. 2019].¹⁶² The lawyer for the 27 accused persons told Amnesty International that the additional charge was “forethought to continue detaining the political leaders arrested before the alleged murder occurred”.¹⁶³ Under Tanzanian law, no person can be charged in court with petty offences, such as conspiracy, unless the prosecution has completed its investigations.¹⁶⁴ The introduction of conspiracy was premature because the prosecution, on multiple occasions, requested the court to keep the accused in detention since they had not completed investigations. The court held the accused persons, for months, until it unconditionally released all of them on 22 November 2022, after the Director of Public Prosecution (DPP) had withdrawn the case.

According to the Criminal Procedure Act, the arrests and detention of the accused persons were conducted in contravention of the proper procedures; the accused were taken to a court that had no authority over murder. For six months, the accused persons were not allowed to respond to the charges against them.¹⁶⁵ Murder charges are tried in the High Court;¹⁶⁶ the Resident Magistrates’ Court can only deal with preliminary issues in the committal proceedings and commit proceedings to the High Court for trial. In the committal proceedings, the court hearings are held in the Magistrates’ Court to determine whether there is sufficient evidence against an accused person charged with a serious criminal offence for them to face trial in a higher court.¹⁶⁷

For the offence of conspiracy, the prosecution also failed to show how the accused persons participated. The statement of offence did not elaborate on the particulars of the offence. There is also a misjoinder of counts: two counts triable by different courts were put in the same charge before one court.¹⁶⁸

“They [prosecution] say on unknown dates. Seems like they are holding them for an offence that they cannot prove.”¹⁶⁹

Yonas Masiaya Laisa, one of the lawyers for 27 of the accused persons.

The accused claimed that they had not been questioned at all regarding the killing of the police officer. They also claimed that they had been tortured while in custody. They were questioned for other activities, including the sharing pictures of injured people, animals, and destruction of property on social media.¹⁷⁰

On 2 July 2022, Albert Kiseya Selemba fainted in court. He claims that he was beaten by the police and denied food. Joseph Lukumay, the 27th accused person, was beaten and had visible injuries when he attended court on 4 July

¹⁵⁸ Statement of offence, 11 July 2022, on file with Amnesty International.

¹⁵⁹ Interview in person with Joseph Moses Ole Shangayi, one of the lawyers representing the 24 accused persons, Arusha, 22 June 2022.

¹⁶⁰ Interview in person with Yonas Masiaya Laisa, one of the lawyers for the 24 accused persons, Arusha, 22 June 2022.

¹⁶¹ Interview in person with a village chairman of Ololosokwan, August 2022.

¹⁶² Statement of offence, 11 July 2022, on file with Amnesty International.

¹⁶³ Email correspondence with Joseph Oleshangay, one of the lawyers for the 27 accused persons, 6 May 2023.

¹⁶⁴ Criminal Procedure Code Act (No. 9 of 1985), section 51.

¹⁶⁵ Interview in person with three lawyers representing accused persons, Arusha, 22 July 2022. Email correspondence with Joseph Oleshangay, one of the lawyers for the 27 accused persons, 6 May 2023.

¹⁶⁶ Statement of offence, 16 June 2022, on file with Amnesty International.

¹⁶⁷ Interview in person with Joseph Oleshangay, one of the lawyers for the 27 accused persons, Arusha, 22 June 2022.

¹⁶⁸ Interview in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁶⁹ Interview in person with Yonas Masiaya Laisa, one of the lawyers for the 27 accused persons, Arusha, 22 June 2022.

¹⁷⁰ Interview in person with three lawyers representing accused persons, Arusha, 22 July 2022.

2022. He was supported to enter the courtroom because he could not walk. The court ordered for him to receive medical treatment. Similarly, Morongeti Meeki, the 9th accused person, was unable to walk and received support to enter the courtroom. He was arrested on 14 June 2022 and detained incommunicado until 4 July 2022 when he was presented in court. The court also made an order for his treatment.¹⁷¹

According to the lawyers, the arrests were not documented in the police occurrence books. Some people, such as Albert Kiseya Selemba, were arrested and taken to Loliondo Police Station, but the police denied detaining them; others, including the community leaders arrested in Loliondo, were taken to Chekereni Police Station.¹⁷² Lawyers representing the accused told Amnesty International that Simon Morintat Saitoti, the 26th accused person, was arrested on 1 July 2022 and was held in incommunicado detention until 4 July 2022. Simon Morintat Saitoti was not from Loliondo and was not present during the 10 June violence. The lawyers informed the researcher that Saitoti is the ward councillor for Ngorongoro ward in Ngorongoro division. He had previously published a laboratory report on the poisoning of an animal salt lick. The salt lick, which had been provided by the NCA to the Maasai of Ngorongoro division, resulted in the death of thousands of livestock. He was questioned about sharing the outcome of his investigative report.¹⁷³

On 4 July 2022, the 27 accused persons were presented in court, and their lawyers raised several issues, including contraventions of criminal procedures under Tanzanian law. “When the prosecution amends charges, or when other accused persons are enjoined to the case, those previously accused must be in court during the amendment.”¹⁷⁴ This did not happen in this case. Furthermore, according to Tanzanian law, the prosecutors cannot charge someone of conspiracy and state that investigations are ongoing.¹⁷⁵ According to the lawyers, the accused persons were also denied the chance to plead.¹⁷⁶ At the time of this publication, the case had been postponed more than 10 times; the prosecution stated in court that investigations were incomplete. The accused remained in detention without knowledge of the details of their case.

On 28 July 2022, the Director of Public Prosecution, through prosecutors in Arusha, dropped the charges against: Simeli Parmwati, a high-school student; Lekerenga Koree, an elderly person; and Fred Victor Ledidi, a PhD student, by entering a nolle prosequi (a dismissal of legal proceedings).¹⁷⁷ On 22 November 2022, authorities released all the accused persons after the Director of Public Prosecution dropped all the charges against the remaining 24 members of the Maasai community, including the 10 leaders arrested on 9 June.¹⁷⁸

RIGHT TO FREEDOM OF MOVEMENT

Between 2 and 6 July 2022, state authorities – including officers from the Tanzania Immigration Department, conducted many other arbitrary arrests across several villages in Loliondo (including Kiratlo, Soitsambu, Njoroi and Nguserosambu), detaining the arrested at Loliondo Police Station.¹⁷⁹ While arresting people, the authorities accused them of being Kenyan. According to the lawyers representing those arrested, authorities detained those they identified to be Kenyan by checking their arms for the Bacillus Calmette-Guérin (BCG) vaccination mark.¹⁸⁰ The BCG injection is generally given to children aged 9-15 months.¹⁸¹ In Kenya, the vaccine is administered below the left elbow, and in Tanzania, just below the right shoulder.¹⁸² All people arrested on the allegation of being Kenyan have since been discharged by the court, for lack of evidence.¹⁸³

¹⁷¹ Interview in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁷² Interview in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁷³ Interview in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁷⁴ Interview in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁷⁵ Interview in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁷⁶ Interviews in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁷⁷ Criminal Procedure Act, section 91: Power of Director of Public Prosecutions to enter nolle prosequi. In any criminal case, and at any stage thereof, before verdict or judgement, as the case may be, the Director of Public Prosecutions may enter a nolle prosequi, either by stating in court or by informing the court concerned in writing on behalf of the Republic that the proceedings shall not continue; and thereupon the accused shall at once be discharged in respect of the charge for which the nolle prosequi is entered, and if he has been committed to prison shall be released, or if on bail his recognisances shall be discharged, but such discharge of an accused person shall not operate as a bar to any subsequent proceedings against him on account of the same facts.

¹⁷⁸ Interviews by voice call with three lawyers representing accused persons, 23 November 2022.

¹⁷⁹ Interviews in person with Julius John Lukumay, lawyer representing 59 community members.

¹⁸⁰ The Bacillus Calmette-Guérin (BCG) vaccine is primarily used against tuberculosis.

¹⁸¹ World Health Organisation (WHO), BCG vaccine, [who.int/teams/health-product-policy-and-standards/standards-and-specifications/vaccines-quality/bcg](https://www.who.int/teams/health-product-policy-and-standards/standards-and-specifications/vaccines-quality/bcg)

¹⁸² Interview by voice call with Julius John Lukumay, lawyer representing 59 community members, November 2022.

¹⁸³ Interview by voice call with Julius John Lukumay, lawyer representing 59 community members, November 2022; email correspondence with Joseph Oleshangay, one of the lawyers for the 27 accused persons, 6 May 2023.

“The police said that they were arresting me because I am a Kenyan. I was arrested alongside two other women. They took us and locked us in a toilet in Loliondo town for hours before moving us to Loliondo Police Station. The toilet was a very smelly public toilet. We were three in that car and the toilet.”¹⁸⁴

50-year-old woman, Maasai community member, Arusha.

According to two witnesses, the arrested were kept for an average of 11 days without legal representation and family access; this contravenes the laws of Tanzania.¹⁸⁵ The Amnesty International researcher interviewed the lawyer who was representing 59 of at least 79 people who were arrested. Out of the 59, 21 were from Nguserosambu. According to the lawyer, 20 of the 59 persons who appeared in court were asked to present identification documents that proved their Tanzanian nationality to the police and immigration officers. This was required prior to their discharge on 20 July. As at time of publishing the report, the 20 were still required to report to the police every two weeks.¹⁸⁶

The lawyer for the accused also informed Amnesty International that, in the statement of offence, the authorities misreported the age of a minor – Kipai Timan. Kipai Timan was stated to be 22 years old, when he was only 16. He was also taken into custody with adults,¹⁸⁷ contrary to the law on instituting criminal proceedings against a child, which requires children to be placed in a separate cell from adults, and that they be brought to court within 24 hours of their arrest.¹⁸⁸ The Convention on the Rights of the Child (CRC) requires states to recognize the right of children in conflict with the law in a manner consistent with the promotion of the child’s sense of dignity and worth.¹⁸⁹ According to Article 37, “No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period.”¹⁹⁰ Article 37 also states that every child who is detained must be separated from adults.¹⁹¹

The 59 individuals were released from detention on cashless bond¹⁹² and a surety of, mostly, relatives who gave a bond of 3 million Tanzanian shillings (about USD 1,290) per person,¹⁹³ until 18 November 2022 when the Director of Public Prosecution dropped all charges.¹⁹⁴ Amnesty International has not ascertained whether all the sureties got their monies back after the 59 were released. Many of the 59 had been forced to sell their livestock to support their nutritional and other legal needs while in detention.¹⁹⁵ A 50-year-old-woman, arrested on 6 July 2022 while going to set up her makeshift food kiosk in Loliondo, told the Amnesty International researcher that she had had no choice but to sell her only cows because of the court case. “I sold my two cows the week of 11 July. I sold them at a loss. I sold one at 300,000 Tanzanian shillings [about USD 129] and the other one at 400,000 Tanzanian shillings [about USD 172]. Ordinarily one cow would have fetched 600,000 Tanzanian shillings [about USD 258] and the other 700,000 Tanzanian shillings [about USD 301]. I paid my relatives for bringing food while I was arrested,” she said.¹⁹⁶

“We were not given food at the police station. My family had to bring the food to me. The other families in detention too had to have food brought to them daily. The distance from the village to Loliondo Police Station is so far. It did not make sense to bring the food that far. Our families would pay a hotel nearby to bring food to us.”¹⁹⁷

45-year-old-woman, Maasai community member, Arusha.

In all cases connected to the events, before, during and after 10 June 2022, the right to fair trial of the accused was violated. All the individuals arrested, whether for conspiracy, murder or being in the country illegally, were arbitrarily held for more than 48 hours before being charged in court. The Criminal Procedure Act requires an accused person to be arraigned in court within 24 hours of arrest. Under international human rights law, no one can be detained without a legitimate reason, and anyone accused of a crime has the right to a fair trial. In defining what ‘arbitrary detention’ means, the UN Working Group on Arbitrary Detention states that it “includes both the requirement that a particular form of deprivation of liberty is taken in accordance with the applicable law and procedure and that it is proportional to the aim sought, reasonable and necessary. ‘Arbitrariness’ is not to be equated with ‘against the law’ but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law.”¹⁹⁸

¹⁸⁴ Interview in person with a 50-year-old-woman, Arusha, 23 June 2022.

¹⁸⁵ Interview in person with two members of the Maasai community from Ololosokwan village, Arusha, 23 July 2022.

¹⁸⁶ Interview in person with Julius John Lukumay, lawyer representing 59 community members.

¹⁸⁷ Interview in person with Julius John Lukumay, lawyer representing 59 community members.

¹⁸⁸ Law of the Child (Juvenile Court Procedure) Rules 2016 (Government Notice 182 of 2016), Rule 23.

¹⁸⁹ Convention on the Rights of the Child (CRC), Article 40.

¹⁹⁰ CRC, Article 37(b).

¹⁹¹ CRC, Article 37(c).

¹⁹² Release of an arrested individual without them having to pay any financial amount.

¹⁹³ Interview in person with Julius John Lukumay, lawyer representing 59 community members.

¹⁹⁴ Interview by voice call with Julius John Lukumay, lawyer representing 59 community members, and Denis Oleshangay, community lawyer, 18 November 2022.

¹⁹⁵ Interviews in person with three lawyers representing accused persons, Arusha, 22 July 2022.

¹⁹⁶ Interview in person with 50-year-old-woman, Arusha, 23 July 2022.

¹⁹⁷ Interview in person with 45-year-old-woman, Arusha, 23 July 2022.

¹⁹⁸ OHCHR, Working Group on Arbitrary Detention, About arbitrary detention, 2022, [ohchr.org/en/about-arbitrary-detention](https://www.ohchr.org/en/about-arbitrary-detention)

DESTRUCTION OF PROPERTY, DISRUPTION OF LIFESTYLE AND CULTURAL IDENTITY

“I lost everything when I fled [to Olpusimoru]. I had 50 cows and more than a 100 sheep and goats. I had four huts in my homestead. The structures were all destroyed ...”¹⁹⁹

Sanyu Morusua, 80-year-old man, Maasai community member, Narok.

Eyewitnesses informed Amnesty International that on 10 June 2022 security forces attacked them in their homes in Ololosokwan village, where they destroyed food, crashed into motorbikes with their vehicles, and beat anyone they came across within the 2km radius of where the beacons had been planted and in the villages. The attacks were carried out without any warning.²⁰⁰ Properties inside the 1,500km² demarcated area and within 2km of the beacons were targeted.²⁰¹ Security forces destroyed homes, including huts and enclosures for livestock, by driving heavy trucks through them.²⁰² Some people recounted that security personnel entered their homes and stealing money and other valuables.²⁰³

The Amnesty International researcher interviewed nine women who reported being affected when the security forces destroyed their homes and *bomas*, including huts that they had built for their families.

“In the house we have a lot of ceremonies [...] our children and goats also sleep in the houses. When we migrate, we use materials from our houses to construct the next.”²⁰⁴

Ndorien Oloinyo, Maasai community member, Narok.

To the Maasai, the disputed 1,500km² is their home, ancestral territory, and a spiritual and cultural site, as much as it was grazing land. Based on interviews, Tanzanian security forces also destroyed other community structures including the *‘manyattas,’* (singular *manyatta*, others call it *emmayata*), cultural sites where the rites of passage for young Maasai men take place. According to respondents, security forces used their trucks and heavy vehicles to crash into the *manyattas*.²⁰⁵

Indigenous people have the right to self-determination including Indigenous cultural property, sites, landscapes, and areas that have sacred or cultural importance for them. This right includes the right of unhindered access to those places. The Tanzanian government is obligated to protect the rights of its people to equality and non-discrimination; the right to cultural integrity; rights over lands, territories, and natural resources; the right to self-government and autonomy; the right to free, prior, and informed consent; and others.²⁰⁶

“I lost everything including money that was inside the house since I saw security officers enter my house. I had 300,000 Tanzanian shillings and one of my wives is a member of *‘vikoba’* [village community bank]. She had about 700,000 Tanzanian shillings.”²⁰⁷

Kasao Ololdapash, Maasai community member, Narok.

For several months after the demarcation exercise, security forces continued to impound and shoot livestock that strayed into the 1,500km² demarcated area. Residents of Ololosokwan village who had fled their homes told Amnesty International that they lost livestock and others claimed that their crops had been destroyed by wild animals. Crops were also not harvested and went to waste because there were no people to tend the farms. While the Amnesty International researcher was interviewing one Maasai woman from Loliondo, she received a distressed call from Loliondo where she had left 200 cows. All her cows had been confiscated by security officers after they were found

¹⁹⁹ Interview in person with Sanyu Morusua, 80-year-old man from Ololosokwan village, Narok 11 May 2023.

²⁰⁰ Interviews in person with 10 community members from Ololosokwan village, Narok, 5 and 6 August 2022.

²⁰¹ Interviews in person with three community members from Ololosokwan village, Narok, 5 and 6 August 2022.

²⁰² Interviews in person with 10 community members from Ololosokwan village, Narok, 5 and 6 August 2022.

²⁰³ Interviews in person with four community members from Ololosokwan village, Narok, 5 and 6 August 2022.

²⁰⁴ Interview in person with 45-year-old woman, Ndorien Oloinyo, from Ololosokwan village, Narok on 6 August.

²⁰⁵ Interviews in person with two community members from Ololosokwan village, Narok, 6 August 2022; interview by voice call with one community member from Ololosokwan, 1 May 2023.

²⁰⁶ UNDRIP, Article 3, General principle or right to self-determination.

²⁰⁷ Interview in person with Kasao Ololdapash (42 years, male), from Ololosokwan village, Narok, 6 August 2022.

grazing inside the demarcated area. Many animals that were confiscated by wildlife officials have been auctioned by the authorities.²⁰⁸



← Cattle seized at Klein's Gate of Serengeti National Park in Loliondo, January 2023. @Private

People alleged that the owners of confiscated animals were required to pay up to 100,000 Tanzanian shillings (about USD 43) per animal to recover them.²⁰⁹ This was happening while the state was insisting that they were not denying community members access to the 1,500km² of land, but had only erected beacons to delineate the 2,500km² of land spared for the community and the 1,500km² area reserved for conservation.²¹⁰

Interviewees said that, although many people in Narok had brought all their livestock with them when they fled Loliondo, not everyone had been able to do so. Some animals were lost, while others remained with relatives. The Maasai claim that there is insufficient land to graze the livestock and that the animals are at risk of dying due to shortage of water and pasture. Community members must risk grazing livestock inside the demarcated area at night since they do not have sufficient land to graze all their cattle within the villages. The Maasai trade the animals for other animals, money, or

products such as milk.²¹¹ For the Maasai, their animals are more than their primary source of income; they are a cultural necessity. By extorting payments to release Maasai animals, the state is denying them their rights to fully participate in economic, social, political, and cultural life.

“While there are good schools in Ololosokwan, my children here cannot attend school. We are left wondering what happens next.”²¹²

Ndorien Oloinyo, Maasai community member, Narok.

Children who had fled to Kenya with their parents were not able to join schools in Narok. The children who were left behind had stopped attending school due to the disruption to their lives. Most people interviewed by the Amnesty International researcher in Narok said that they were satisfied with the education and health facilities in Loliondo; these were accessible, both in terms of distance and cost, but many children were unable to attend school after fleeing to Narok.²¹³ To enrol a child in a Kenyan public school, the head teacher is required to use a child's

²⁰⁸ Interview in person with Ndetia Naingisa (50 years, female), from Ololosokwan village, Narok, 5 August 2022.

²⁰⁹ Interviews in person with 13 members of the Maasai community from Ololosokwan village, Narok, 6 August and in Arusha, 22 June.

²¹⁰ Kassim Majaliwa, Prime Minister of the United Republic of Tanzania speaking in Parliament, 10 June 2022, [youtube.com/watch?v=ShaL-GnvT1E](https://www.youtube.com/watch?v=ShaL-GnvT1E)

²¹¹ Interviews in person with 13 members of the Maasai community from Ololosokwan village, Narok, 6 August and in Arusha, 22 June.

²¹² Interview in person with Ndorien Oloinyo (45 years, female) from Ololosokwan village, Narok, 6 August 2022.

²¹³ Interviews in person with nine community members from Ololosokwan village, Narok, 5 and 6 August 2022.

immunization card or birth certificate/notification. The National Pre-Primary Education Policy Standard Guidelines, however, provide that “no child shall be denied admission for lack of submitting the above documents; but the parents shall be given three months to acquire a birth certificate”.²¹⁴

One person told the Amnesty International researcher that she had received information that her children were no longer going to school back at home in Loliondo.²¹⁵ Sources told Amnesty International that children were not attending school for various reasons, including lack of money to buy uniform, books (which are not available or provided in schools), or mattresses and plates for those attending boarding schools.²¹⁶ Respondents noted that the community is aware of the importance of education.²¹⁷

“I am here with all my family members. One girl was schooling but now is not going to school because we had to run away.”²¹⁸

Kasao Ololdapash, Maasai community member, Narok.

Some schools, including the Emanyatta secondary school, a community private school in Ololosokwan, and the Ang’ata Orng’osua school, remained closed for more than three months after the June 2022 forced evictions. A community member told Amnesty International that they had been contributing funds to build a public secondary school, but the project had stopped because of the evictions.²¹⁹

“I used to live very close to Ololosokwan hospital. It is a very good hospital with almost all facilities and takes in patients. Treatment at the hospital is also not free but very affordable. Treatment is about 6,000 Tanzanian shillings [about USD 2.6].”²²⁰

54-year-old man, Maasai community member, Narok.

“LIVING AS REFUGEES”



 ↑ New shelter for a Maasai community member from Loliondo in Olposimuru village in Narok, May 2023. © Amnesty International/Yvonne Kang’acha

²¹⁴ Republic of Kenya, Ministry of Education, National Pre-Primary Education Policy Standard Guidelines, 2018, pg. 3, para. 1.2., on file with Amnesty International.

²¹⁵ Interview in person with nine Maasai community members from Ololosokwan village, Narok, 6 August 2022.

²¹⁶ Interview in person with five community members from Ololosokwan village, Narok, 5 and 6 August 2022.

²¹⁷ Interview in person with three community members from Ololosokwan village, Narok, 5 and 6 August 2022.

²¹⁸ Interview in person with Kasao Ololdapash (42 years, male) from Ololosokwan village, Narok, 6 August 2022.

²¹⁹ Interview in person with two community members from Ololosokwan village, Narok, 5 and 6 August 2022.

²²⁰ Interview in person with 54-year-old man, Narok, 6 August 2022.

On 10 June 2022, many community members fled their homes to hide in the wilderness. According to those interviewed, many Maasais from Ololosokwan hid with their relatives for weeks or in the forest and inside the national park (not in a specific place since they were constantly moving as they grazed their livestock).²²¹

“[Between 5 and 8 July], I went to Narok, Kenya, using a vehicle for a fact-finding mission. On my way with the car, I met utmost 30 groups of Maasai herders walking with their animals crossing the border on the Kenyan side [a group of Maasai herders would consist of an average of six people]. Even as I approached Narok I could see others. I met some near one of the Maasai Mara National Park gates. I engaged them; they were [fleeing from Loliondo].”²²²

Yohani Gwangai, investigative journalist.

Many Maasai fled the country to Oloolaimutia and Olpusimoru villages in Narok county, Kenya. Most of those who were seriously injured were among those who crossed the border to Kenya to get medical treatment. Between 11 and 30 June, a thousand people who had fled to Narok, including children, received accommodation and food relief from local communities and well-wishers.²²³ The interview respondents declared that they either travelled to Narok on foot or on motorbikes. Some stayed in the wilderness and other hiding places on the night of 10 June to guard their livestock (cows and goats) while they planned how to get them out of Loliondo.²²⁴ People who walked from Loliondo to Narok said that it was a five-hour walk but were unsure of the distance in kilometres.²²⁵ Some people did not know where some of their relatives were; others did not know where their cattle were.²²⁶ Some women reported being separated from their husbands and even co-wives.²²⁷

“I do not recall the intervals they came in, but most of them arrived on 11 June.”²²⁸

Juma Ole Sampuerrap, Maasai community member, Narok.

According to the chief²²⁹ of Siana location in Narok, the Maasais from Tanzania came in groups. He estimated that the total number of people from Loliondo was not more than 1,000. He claimed that his office did not have a record of everyone in the sublocation since the numbers kept fluctuating, but they were working on some form of a census that would be made available once the exercise was complete.²³⁰

According to the chief, the arrivals headed for homesteads, relatives, clans, or in-laws that they knew. There was no holding ground. People moved into homesteads where they had connections (friends or relatives) and sought help once they arrived. The Maasais would sleep in one homestead one night and plan their next move the following day. The chief took the Amnesty International researcher to some of the homesteads where Maasai community members from Narok had offered their land for the guest community to construct huts. After weeks of overcrowding, shared huts had become untenable.²³¹ Some of the women who were constructing their huts told the researcher that they did not want to go back to Loliondo.²³² People who did not have connections with Maasais in Narok stayed in churches.²³³

“As a married woman, I was not expecting to be separated from my family and husband. The separation has affected me so much. My husband is in between; he stayed back with the cattle but comes to visit sometimes.”²³⁴

Nayauesupat Oloinyo, Maasai community member, Narok.

In Olpusimoru, the Africa Gospel Church of Kenya sheltered Maasai who had fled from Tanzania, including the largest number of children and women from Tanzania. In Oloolaimutia, the Deliverance Church of Kenya sheltered community members in that area. Churches known to Amnesty International did not want the information about sheltering the community from Tanzania made public because of security concerns.²³⁵ In Olpusimoru, several community members who were injured went to Yengos Medics, a private clinic. In Oloolaimutia, community members went to Enkitoria Dispensary, a Kenyan government health facility that is now being upgraded to become a health

²²¹ Interviews in person with four Maasai community members of Ololosokwan village, Narok, 6 August 2022.

²²² Interview in person with Yohani Gwangai, investigative journalist, Arusha, 22 June 2022.

²²³ Interviews in person with 10 Maasai community members of Ololosokwan village, Narok, 6 August 2022.

²²⁴ Interviews in person with 10 community members from Ololosokwan village, Narok, 5 and 6 August 2022.

²²⁵ Interviews in person with three community members from Ololosokwan village, Narok, 5 and 6 August 2022.

²²⁶ Interviews in person with eight Maasai community members Ololosokwan village, Narok, 6 August 2022.

²²⁷ Interviews in person with three community members from Ololosokwan village in Narok, 5 and 6 August 2022.

²²⁸ Interview in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022.

²²⁹ A chief is a government officer employed under the Chief's Act to maintain order in the area in respect of which he is appointed, and for such purpose the chief is given jurisdiction and powers by the Chief's Act over the area and the persons residing or being within such area.

²³⁰ Interview in person with Dennis Nangisa, Chief, Siana location, Siana sublocation, Narok, 5 August 2022.

²³¹ Interview in person with Dennis Nangisa, Chief, Siana location, Siana sublocation, Narok, 5 August 2022.

²³² Interviews in person with four community members from Ololosokwan village, Narok, 6 August 2022.

²³³ Interview in person with Dennis Nangisa, Chief, Siana location, Siana sublocation, Narok, 5 August 2022.

²³⁴ Interview in person with Nayauesupat Oloinyo (50 years, female), Narok, 6 August 2022.

²³⁵ Interviews in person with four Maasai community members Ololosokwan village, Narok, 6 August 2022.

centre facility. Services offered at the dispensary include outpatient and inpatient treatment, comprehensive care, and maternity care and delivery.²³⁶

“I walked for two days to bring the cows. I was in the company of a group of people from different places. They were also bringing cows.”²³⁷

Kasao Ololdapash, Maasai community member, Narok.

According to sources interviewed by Amnesty International, no one was able to ascertain the number of children who had crossed into the two main villages in Narok, but many had been separated from their parents and for some it was almost two weeks before their parents came looking for them. At the time of publishing, some children’s parents were still in Tanzania.²³⁸

“There were also hungry children who we bought bread and other types of foodstuffs during the first few days of their arrival. The villagers and churches contributed for the relief support. Villagers further helped them with accommodation.”²³⁹

Juma Ole Sampuerrap, medical doctor and Maasai community member, Narok.

According to the chief, he officially escalated the issue by writing to the headquarters of the Kenyan Ministry of Interior and Coordination in Nairobi as soon as the Maasai community from Tanzania arrived, but at the time of the interview he had not received any direction on how to go about coordinating registration of the Maasais as official refugees to receive refugee recognition and support. The chief told Amnesty International that the issue had created food insecurity in the area because the Maasai community from Narok were not crop farmers and did not have enough food to share. Despite this they continued donating food, including slaughtering their cattle, for the Maasai community from Loliondo. He also claimed that he had fed many of them out of his own pocket. He reported that many NGOs and other groups such as the UN Refugee Agency (UNHCR) had sent representatives, but no formal support had yet come to the Maasai community from Tanzania residing in Narok at the time of the interview.²⁴⁰

According to sources, in July and August 2022, although the Tanzanian government denied that Tanzanians had fled to Narok in Kenya, the state sent representatives to Narok to try and persuade the community members to return to Loliondo. This was so they could be counted among other community members in a population and housing census exercise that was taking place between 23 and 29 August.²⁴¹

When Amnesty International went to Loliondo on a fact-finding mission in March 2023, community members who had gone back to Loliondo from Narok told the Amnesty International researcher that they knew that many people had gone back to Loliondo, but they could not confirm the number.²⁴² Amnesty International interviewed three people who had fled to Kenya on 10 June 2022, but had subsequently returned to Tanzania on different dates between December 2022 and March 2023, after calm had been restored and the security forces had withdrawn from the villages.²⁴³ Many of them had fled from Loliondo because they were afraid of arrests because of their participation in the protest on 10 June 2022 and being linked to the killing of the police officer. They mentioned that some of the people who had remained behind in Kenya were those whose homes had been inside the 1,500km² area and had been demolished.²⁴⁴

In May 2023, about 60 Maasai families from Tanzania still lived in Oloolaimutia and Olpusimoru villages in Narok. According to the Chief of Siana location, it was difficult to tell how many people were in Olpusimoru because they were scattered across different homesteads. He estimated that there were about 30 families who had not returned home.²⁴⁵ Four people interviewed in Oloolaimutia, including a Kenyan man hosting a family of eight, also mentioned that there were about 30 Maasai families from Loliondo scattered in the village.²⁴⁶ Amnesty International estimates that the number of Maasais from Loliondo who were still living in Narok in May 2023 was between 300 and 600 since an average Maasai family would have between 5 and 10 members.²⁴⁷

²³⁶ Interviews in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022 and with five Maasai community members from Ololosokwan village, Narok, 5 and 6 August 2022.

²³⁷ Interview in person with Kasao Ololdapash (42 years, male) from Ololosokwan village, Narok, 6 August 2022.

²³⁸ Interviews in person with 10 community members from Ololosokwan village, Narok, 5 and 6 August 2022.

²³⁹ Interview in person with Juma Ole Sampuerrap, a medical doctor, Narok, 5 August 2022.

²⁴⁰ Interviews in person with three community members from Ololosokwan village, Narok, 5 and 6 August 2022.

²⁴¹ Interviews in person with four community members from Ololosokwan village, Narok, 5 and 6 August 2022 and an NGO representative from Arusha, Narok, 6 August 2022.

²⁴² Interviews in person with three community members, Ololosokwan village, Narok, 12 March 2023.

²⁴³ Interviews in person with three community members, Ololosokwan village, Narok, 12 March 2023.

²⁴⁴ Interviews in person with three community members, Ololosokwan village, Narok, 12 March 2023.

²⁴⁵ Interview in person with Dennis Nangisa, Chief, Siana location, Siana sublocation, Narok, 11 May 2023.

²⁴⁶ Interviews in person with three community members, Ololosokwan village, Narok 11 May 2023; interview in person with Kenyan man hosting a family from Loliondo, Narok, 11 May 2023.

²⁴⁷ Interviews in person with three community members, Ololosokwan village, Narok, 11 May 2023; interview in person with Dennis Nangisa, Chief, Siana location, Siana sublocation, Narok, 11 May 2023; and interview with Kenyan man hosting a family from Loliondo, Narok, 11 May 2023.

Some Maasai community members in Narok told the Amnesty researcher that they are afraid of going back to Loliondo because of fear of being arrested in connection to the death of the police officer who was killed on 10 June 2022. Others have no homes or livelihood to go back to because they were destroyed by state authorities in 2022.²⁴⁸

²⁴⁸ Interviews in person with three community members from Ololosokwan village, Narok, 11 May 2023.

LEGAL AND POLICY FRAMEWORKS

HUMAN RIGHTS AND WILDLIFE CONSERVATION

Biodiversity conservation is an essential step towards the realization of the right to live in a clean, healthy, and sustainable environment for all.²⁴⁹ According to UNESCO, “[E]fforts to preserve biodiversity must take into account not only the physical environment, but also social and economic systems that are well connected to biodiversity and ecosystem services.”²⁵⁰

The Kunming-Montreal Global Biodiversity Framework sets out a target to implement broad-based action to bring about a transformation through ensuring “that by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities including over their traditional territories.”²⁵¹ The Framework further proposes a human rights-based approach respecting, protecting, promoting and fulfilling human rights in its implementation.²⁵²

Human rights and biodiversity conservation therefore are not two separate issues. They are two sides of the same coin. There is growing consensus that conservation initiatives that use physical force – often military – to exclude local communities, commonly referred to as ‘fortress conservation,’ usually violate the rights of those communities. The UN Special Rapporteur on Human Rights and the Environment stated that “[f]ortress conservation measures are formidable threats to Indigenous peoples and other rural rights holders’ human rights, including their nature governance practices and traditional livelihoods, food security, educational opportunities, health, and access to traditional medicines, safe drinking water and culturally and spiritually significant sites”.²⁵³

In a landmark judgment delivered by the African Court on Human and Peoples’ Rights (the African Court) on 26 May 2017, in a case where the Kenyan government, through the Kenya Forest Service (KFS), was in the process of evicting the Ogiek Indigenous people of Kenya’s Mau Forest Complex on the grounds that they were destroying the forest (hereinafter “African Court Ogiek case”), the court found: “[The government] has not provided any evidence to the effect that the Ogieks’ continued presence in the area is the main cause for the depletion of natural environment in the area. Different reports prepared by or in collaboration with the Respondent, about the Mau Forest also reveal that the main causes of the environmental degradation are encroachments upon the land by other groups and government excisions for settlements and ill-advised logging concessions. In its pleadings, the Respondent also concedes that ‘the Mau Forest degradation cannot entirely be associated or is not associable to the Ogiek people.’ In this circumstance, the Court is of the view that the continued denial of access to and eviction from the Mau Forest of the Ogiek population

²⁴⁹ UN, Climate Action, Biodiversity – our strongest natural defence against climate change, un.org/en/climatechange/science/climate-issues/biodiversity

²⁵⁰ UNESCO, “Conservation and sustainable use of biodiversity,” 20 December 2022, unesco.org/en/biodiversity/conservation

²⁵¹ UN Environment Programme, CBD/COP/DEC/15/4, Kunming-Montreal Global Biodiversity Framework, 19 December 2022.

²⁵² The Kunming-Montreal Global Biodiversity Framework (previously cited), section C(g).

²⁵³ OHCHR, Special Rapporteur on Human Rights and the Environment, Policy Brief No. 1 – Human rights-based approaches to conserving biodiversity: equitable, effective and imperative, August 2021, p. 7.

cannot be necessary or proportionate to achieve the justification of preserving the natural ecosystem of the Mau Forest”.²⁵⁴

The Special Rapporteur posited that “[w]hen economic displacement resulting from exclusionary conservation practices prevents rural children from continuing their education, the resulting socio-economic harms may resonate throughout households and communities for generations”.²⁵⁵ He also said that “[t]he trauma experienced by the community members who have been forcibly ejected from their homes and lands may impair children’s psychological wellbeing and sense of safety, while the prolonged removal from their communities’ territories may interfere with Indigenous children’s ability to acquire cultural knowledge and skills that are fundamentally tied to traditional lands and livelihood practice”.

Fortress conservation initiatives may violate the rights to food, housing, culture, and livelihood, protected by Articles 7, 11 and 15 of the ICESCR. Indigenous peoples’ relationship with nature is also protected by the Covenant. Indigenous peoples’ cultural values and rights associated with their ancestral lands and their relationship with nature should be regarded with respect and protected to prevent the degradation of their way of life, including their means of subsistence, the loss of their natural resources and their cultural identity.²⁵⁶

Other human rights violations emerging from these exclusionary conservation initiatives disproportionately harm the most marginalized members of the community, for example, women and girls, older persons, and persons with disabilities. These include violations to the rights to education, health, adequate housing, culture, and economic opportunities provided for under Articles 12, 13, 14, 15, 16 and 17 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol on Women’s Rights).²⁵⁷

WILDLIFE CONSERVATION AND TANZANIAN LAW

In a Tanzanian government gazette notice dated 17 June 2022, Pindi Chana, then Minister for Natural Resources and Tourism, issued a government order under the Wildlife Conservation Act (Poleleti Game Notice No. 416 of 2022). The order declared the 1,500km² of land in question, which by then was the Loliondo Game Controlled Area, a game reserve named Poleleti Game Controlled Area. Furthermore, it placed the game reserve under the management of the NCAA and authorized the NCAA to erect beacons. This government order, signed by the minister on 10 June 2022, was retrospectively used as the basis for the evictions.²⁵⁸ This indicates that the authority started erecting the beacons and evicting people in Loliondo without first obtaining the government order.

The Ngorongoro Conservation Area Act is the main law for the administration of the NCA. It makes provisions for the conservation of natural resources within the area. Under the Ngorongoro Conservation Act, the NCAA cannot exceed its mandate beyond the boundaries of the NCA²⁵⁹ making placement of the Poleleti Game Control Area under the NCAA contestable.

Other laws relevant to wildlife conservation in Tanzania include the Wildlife Conservation Act and its subsidiary legislations, National Parks Act, Tanzania Wildlife Research Institute Act (Cap. 260 R.E. 2002), Environmental Management Act 2004, Regulation of Land Tenure (Established Villages Act) (Cap. 267 R.E. 2002), Local Government (District Authorities) Act (Cap. 287 R.E. 2002), Natural Resources Act (Cap. 259 R.E. 2002), Forest Act, Fisheries Act (Cap. 279 R.E. 2002), Tanzania Forest Research Institute Act (Cap. 277 R.E. 2002), Tanzania Fisheries Research Institute Act (Cap. 280 R.E. 2002) and the National Museum of Tanzania Act (Cap. 281 R.E. 2002).²⁶⁰

Section 6 of the Ngorongoro Conservation Area Act gives the NCAA the power to promote tourism and conserve and develop the natural resources within the conservation area, among many other things. The act further gives the NCAA the authority “to safeguard and promote the interests of Maasai citizens of the United Republic engaged in cattle ranching and dairy industry within the conservation area”.²⁶¹ Section 19 gives absolute powers to the president to issue orders to the NCAA, stating that the “president may give to the authority directions of a general or specific character as to the exercise by the authority of any of its functions” under the act, and the NCAA shall give effect to that direction.²⁶²

²⁵⁴ *African Commission of Human and Peoples’ Rights v The Republic of Kenya* (the Ogiek case), Application No. 006/2012, 26 May 2017.

²⁵⁵ OHCHR, Special Rapporteur on Human Rights and the Environment, Policy Brief No. 1 (previously cited).

²⁵⁶ UN Committee on Economic, Social and Cultural Rights, General comment 21: Right of everyone to take part in cultural life (Art. 15.1(a)), 21 December 2009, UN Doc E/C.12/GC/21, para 36.

²⁵⁷ Interviews in person with 10 community members from Ololosokwan village, Narok, 5 and 6 August 2022.

²⁵⁸ Order under Wildlife Conservation Act (Poleleti Game Controlled Area) (Government Notice No. 421 of 2022), 10 June 2022, on file with Amnesty International.

²⁵⁹ Ngorongoro Conservation Area Act, section 43.

²⁶⁰ United Republic of Tanzania, Ministry of Natural Resources and Tourism, Wildlife division, maliasili.go.tz/sectors/category/wildlife.

²⁶¹ Ngorongoro Conservation Area Act, section 6.

²⁶² Ngorongoro Conservation Area Act, section 19.

Public land in Tanzania is classified into three categories: general land, village land and reserved land.²⁶³ General land includes “all land which is not reserved land or village land”.²⁶⁴ This includes areas of land in municipalities, townships, and cities and that are under the supervision of the commissioner of lands.²⁶⁵

The classification of village land is very broad, but “includes land, other than reserved land, which villagers have, during the 12 years prior to the enactment of the Village Land Act (Act No. 5 of 1999), been regularly occupying and using as village land, in whatever manner such persons or the village assembly or village council were allocated such land, including unplanted land at any time during the prior 12 years, land used for grazing livestock belonging to villagers or to persons using that land with the agreement of the villagers or in accordance with customary law, and land customarily used for passage”.²⁶⁶

Reserved land means land designated for nature conservation, infrastructure development and land for town and country planning under the provisions of several laws, including the Forest Act (Act No. 14 2002), National Parks Act (Cap. 282 R.E. 2002),²⁶⁷ Ngorongoro Conservation Area Act (Cap. 284 R.E. 2002),²⁶⁸ Wildlife Conservation Act (Act No. 5 of 2009),²⁶⁹ Marine Parks and Reserves Act (Act No. 29 of 1994),²⁷⁰ Urban Planning Act (Act No. 8 of 2007),²⁷¹ Roads Act (Act No. 13 of 2007),²⁷² Public Recreation Grounds Act 1954,²⁷³ and the Land Acquisition Act (Act No. 47 of 1967).²⁷⁴

The 1,500km² of land encompasses 14 Maasai villages and is a customary and ancestral land of the Maasai, who also have rightful customary land tenure rights under the Village Land Act (Act No. 5 of 1999). This is also demonstrated by certificate of customary right of occupancy. Despite this legal protection, the government can use eminent domain when needed, since the law classifies all land in Tanzania as public land under the trusteeship of the president on behalf of all Tanzanians.²⁷⁵

The substantive law that governs the rights to use, alienate, or exclude others from land in Tanzania is the Land Act (Cap. 113 R.E. 2019). According to the Land Act and the National Land Policy, the rights and interests in land shall not be taken without due process of law. Furthermore, the power of the executive with respect to land administration is subject to limitations embedded in the laws and procedures.²⁷⁶ The right to own land in Tanzania is, therefore, not absolute since the landowner is only given a reversible right to occupy the land, that is, the ‘right of occupancy.’ The Land Act defines the right of occupancy as “a title to the use and occupation of land and includes the title of a Tanzanian citizen of African descent or a community of Tanzanian citizens of African descent using or occupying land in accordance with customary law”.²⁷⁷

Domestic legislation as it stands is not sufficient to protect Indigenous peoples’ rights to land under international law. At the regional level, the African Charter obligates states to protect people’s right to property, culture, and their economic, social, and cultural development.²⁷⁸ In the African Court Ogiek case, the African Court held that by expelling the Ogieks from their ancestral lands against their will, without prior consultation and without respecting the conditions of expulsion in the interest of public need, the Kenyan government had violated their rights to land as defined above and as guaranteed by Article 14 of the Charter.²⁷⁹ The UNDRIP states that “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired”.²⁸⁰

In 2010, the ACHPR issued a decision finding that the Kenyan government had violated the African Charter, specifically the rights to religious practice, property, culture, free disposition of natural resources, and development, by

²⁶³ Land Act, Cap. 113 R.E. 2019, section 4 (4).

²⁶⁴ Land Act, Cap. 113 R.E. 2019, section 2.

²⁶⁵ E. Laltaika, *Pastoralists’ Right to Land and Natural Resources in Tanzania*, University of Oregon School of Law, 14 May 2014, scholarsbank.uoregon.edu/xmlui/handle/1794/17857

²⁶⁶ Village Land Act No. 5 of 1999, section 7.

²⁶⁷ National Parks Act, Cap. 282 R.E. 2002, section 22, on file with Amnesty International.

²⁶⁸ Ngorongoro Conservation Area Act, Cap. 284 R.E. 2002, sections 21-23.

²⁶⁹ Wildlife Conservation Act (Act No. 5 of 2009), section 14, on file with Amnesty International.

²⁷⁰ Marine Parks and Reserves Act (Act No. 29 of 1994), sections 8-10.

²⁷¹ Urban Planning Act (Act No. 8 of 2007), section 8.

²⁷² Roads Act (Act No. 13 of 2007), sections 11-17.

²⁷³ Public Recreation Grounds Act 1954, sections 4-5.

²⁷⁴ Land Act, Cap. 113 R.E. 2019, section 6.

²⁷⁵ Land Act, Cap. 113 R.E. 2019, section 4; Ministry of Lands and Human Settlements Development, United Republic of Tanzania, National Land Policy, second edition, 1997.

²⁷⁶ Ministry of Lands and Human Settlements Development, United Republic of Tanzania, National Land Policy (previously cited).

²⁷⁷ Land Act, Cap. 113 R.E. 2019, section 2.

²⁷⁸ African Charter, Articles 14, 17 and 22.

²⁷⁹ African Court Ogiek case.

²⁸⁰ UNDRIP (UNGAR 61/295) 2007, Article 26(1).

the forced evictions of the Endorois people from their ancestral lands in the Lake Bogoria area in the Kenyan Rift Valley to create a game reserve for tourism.²⁸¹

CERD, a body of experts that provides authoritative guidance on the implementation of the ICERD, to which Kenya is a party, has called on state parties to “recognize and protect the rights of Indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories. Only when this is for factual reasons not possible, the right to restitution should be substituted by the right to just, fair and prompt compensation. Such compensation should as far as possible take the form of lands and territories.”²⁸²

HUNTING AND CONSERVATION

The Tanzanian government considers trophy hunting, also known as sport hunting or safari hunting, as part of Tanzania’s wildlife conservation strategy.²⁸³ Tanzanian authorities claim that they carried out the June 2022 evictions as part of efforts to protect wildlife and the natural environment, while still allowing trophy hunting widely under the Wildlife Conservation Act,²⁸⁴ including the hunting of four of the famous ‘big five’ species – elephant, lion, buffalo, and leopard.²⁸⁵

Tanzanian authorities allocate hunting blocks within game reserves, game-controlled areas, wildlife open areas and wildlife management areas. Hunting companies can be allocated up to five hunting blocks each, which should be of distinct categories. These blocks are ‘auctioned’ to the hunting companies annually. The whole of Loliondo division and part of Sale division of Ngorongoro district have been licensed to a private company for hunting. Now the government has declared the disputed 1,500km² part of Pololeti Game Controlled Area it has become one of 24 hunting blocks.

The 2022 auctions commenced on 8 December 2021 and closed on 14 December 2022. Revenue collections from the auction of hunting blocks almost tripled between 2020 and 2021, two years after the government opted for online auctioning instead of the tendering system. Revenue collections went up 56.5%, from USD 5.24 billion to USD 8.2 billion (19.2 billion Tanzanian shillings).²⁸⁶ All of this revenue goes to the Tanzania Revenue Authority and there is no direct monetary benefit to the communities that live inside or near the areas designated as hunting blocks.²⁸⁷

Although most official statistics on wildlife decline in Tanzania remain unpublished,²⁸⁸ the Ministry of Wildlife and Natural Resources in its National Human-Wildlife Conflict Management Strategy 2020–2024, published in October 2020, highlighted the decline in wildlife resources, linking it to “human actions through overexploitation, habitat destruction, pollution, and introduction of non-native species”.²⁸⁹ The strategy notes that the decline in wildlife includes “some of the charismatic ‘big five’ species that make Tanzania such a popular destination for wildlife tourism”.²⁹⁰ A 2016 human rights report by the Legal and Human Rights Centre (LHRC) reported that Tanzania faces a decline in wildlife population and environmental degradation due to climate change, poverty, poaching and illegal logging, which are a threat to the survival of wildlife in sanctuaries.²⁹¹

²⁸¹ Centre for Minority Rights Development (Kenya) and Minority Rights Group International, Communication No. 276/2003, on behalf of *Endorois Welfare Council v. Kenya*.

²⁸² Committee on the Elimination of Racial Discrimination, General Comment 23, §5.

²⁸³ TAWA, Hunting tourism, tawa.go.tz/hunting-tourism#:~:text=Currently%2C%20there%20are%20eight%20areas%20designated%20for%20resident,Singida%29%20Simanjiro-%20Manyara%20Ipemba%20Mpazi%20-%20Sikonge%20Tabora

²⁸⁴ Wildlife Conservation Act, section 38.

²⁸⁵ According to the World Wide Fund For Nature (WWF): “The term ‘big five’ originally referred to the difficulty in hunting the lion, leopard, rhino, elephant, and African buffalo. These five large African mammal species were known to be dangerous, and it was considered a feat by trophy hunters to bring them home. [...] Today, however, the expression takes on a gentler form, referring to seeing the big five – not shooting them – during wildlife safaris on the African continent.” WWF, Ten wild facts about the big five, worldwildlife.org/blogs/good-nature-travel/posts/ten-wild-facts-about-the-big-five

²⁸⁶ Mary Masanja, Deputy Minister for Natural Resources and Tourism, speaking during a press conference in Dar es Salaam, 23 January 2022.

²⁸⁷ Interviews by voice call with two academics and with two NGO leaders, 13 December 2022.

²⁸⁸ Ministry of Wildlife and Natural Resources, *National Human-Wildlife Conflict Management Strategy 2020–2024*, 5 October 2020. In the strategy, the ministry notes, “Furthermore, most of the ‘conflict’ species are of conservation concern and have experienced significant population declines (TAWIRI, unpublished reports).” This indicates that there are unpublished reports supporting the decline of the species.

²⁸⁹ Ministry of Wildlife and Natural Resources, *National Human-Wildlife Conflict Management Strategy* (previously cited), p. 17, on file with Amnesty International.

²⁹⁰ Ministry of Wildlife and Natural Resources, *National Human-Wildlife Conflict Management Strategy* (previously cited), p. 17, on file with Amnesty International.

²⁹¹ LHRC, *Tanzania Human Rights Report – 2016*, p. 139, para. 2.

“Lions [are classified] as Endangered and cheetah and African wild dog as Critically Endangered. Tanzania’s lion population was estimated at 16,800 in 2010, though this figure was based primarily on best guesses by key informants rather than ecosystem-level surveys of lion abundance. Elephants are classified as Vulnerable and populations across Africa have declined due to poaching for ivory. Tanzania’s elephant population declined from 109,051 in 2009 to 50,433 in 2015 and remained stable between 2015 and 2019.”²⁹²

Despite this overwhelming evidence of decline in wildlife, including the big five, Tanzania still facilitates the hunting of trophy animals by professional hunters and their clients.²⁹³

THE PROHIBITION OF FORCED EVICTIONS

A forced eviction is the removal of people against their will from the homes or land they occupy without legal protections and safeguards.²⁹⁴ According to the UN Commission on Human Rights, forced evictions are a gross violation of human rights, especially the right to adequate housing, food, water, health, education, work, security of the person, freedom from cruel, inhuman, and degrading treatment, and freedom of movement.²⁹⁵

Although the Constitution of Tanzania does not have direct provisions prohibiting forced evictions, it has an extensive Bill of Rights. The constitution creates safeguards against human rights violations, including violations related to forced evictions that usually leave people homeless, poor, and without means of earning a livelihood, and often with no effective access to legal or other remedies. Article 11 of the constitution states that “the state authority shall make provisions to ensure that every person earns his livelihood”. Furthermore, Article 12 provides: “(1) All human beings are born free and are all equal. (2) Every person is entitled to recognition and respect for his dignity.” In addition, Article 13 states: “(1) All persons are equal before the law and are entitled, without any discrimination, to protection and equality before the law.”²⁹⁶

The Village Land Act requires that any change in status of village land must have the approval of the village assembly, which comprises all villagers who are resident in the village and are over the age of 18 years. The assembly meets quarterly. This is the highest decision-making body in the village.²⁹⁷ The village assembly vests the village council with the powers to administer all village land on behalf of all villagers, and all decisions on village land are made by the village assembly. This includes decisions regarding transfer of village land to general or reserved land and vice versa.²⁹⁸

The Tanzania National Land Policy further envisages that the state shall pay full, fair and prompt compensation²⁹⁹ to any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the state under any law or when their land is acquired under the Land Acquisition Act.³⁰⁰ It also provides for consultation and consent of a village council whenever alienation of village lands is necessary.³⁰¹

International legal instruments also create obligations for states to avoid and protect people from forced evictions which is part of the obligations of states to guarantee the right to adequate housing. The right to adequate housing is enshrined in the ICESCR, which obligates states to recognize “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”.³⁰²

The UN Committee on Economic, Social and Cultural Rights (CESCR) is a body of independent experts mandated to interpret the ICESCR and monitor its implementation by state parties. The committee provides authoritative interpretation of human rights and monitors implementation of the ICESCR by state parties. CESCR provides authoritative interpretation of human rights in the covenant through documents called ‘general comments’. The committee’s explanation of the content of the right to adequate housing and the obligations of states vis-a-vis forced evictions can be found in General Comment 7.³⁰³

²⁹² Ministry of Wildlife and Natural Resources, *National Human-Wildlife Conflict Management Strategy* (previously cited), pg. 17, on file with Amnesty International.

²⁹³ Ministry of Wildlife and Natural Resources, Wildlife division, maliasili.go.tz/sectors/category/wildlife

²⁹⁴ OHCHR, Forced evictions, Commission on Human Rights resolution 1993/77, 10 March 1993, E/CN.4/RES/1993/77.

²⁹⁵ OHCHR, Forced evictions (previously cited).

²⁹⁶ Constitution of the United Republic of Tanzania 1977, as amended to 2005.

²⁹⁷ Local Government District Authorities Act, sections 55, 103 and 141.

²⁹⁸ Village Land Act, section 4.

²⁹⁹ Ministry of Lands and Human Settlements Development, United Republic of Tanzania, National Land Policy, para. 4.2.19.

³⁰⁰ Ministry of Lands and Human Settlements Development, National Land Policy (previously cited), para. 4.2.19.

³⁰¹ Ministry of Lands and Human Settlements Development, National Land Policy (previously cited), paras 4.2.23 and 4.2.27.

³⁰² ICESCR, Article 11, para. 1.

³⁰³ CESCR, General Comment 7 on Forced Evictions.

A forced eviction does not refer to any eviction by the state where force is used; it refers specifically to an eviction that does not comply with due process. The CESCR defines forced evictions as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection”.³⁰⁴ Governments must ensure that no one is rendered homeless or vulnerable to the violation of other human rights because of eviction. Adequate alternative housing and compensation for losses must be availed to those affected. Accordingly, authorities must immediately provide just compensation and sufficient alternative accommodation after evictions so that no one is rendered homeless because of the eviction.³⁰⁵

Under international human rights standards, evictions can only be a last resort once all feasible alternatives have been explored and appropriate procedural protections are in place. Safeguards include:

1. opportunities for genuine consultation with those affected;
2. adequate and reasonable notice for affected people before the eviction;
3. information on the proposed evictions and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all affected;
4. presence of government officials or their representatives during the evictions;
5. proper identification of anyone carrying out the eviction;
6. evictions not to take place in particularly bad weather or at night unless the affected people consent;
7. provision of legal remedies; and
8. provision, where possible, of legal aid to people in need of it to seek redress from the courts.

International human rights law prohibits the eviction of people against their will from the homes or land they occupy, without due process or other legal safeguards. Furthermore, in the case of Indigenous peoples, Article 10 of the UNDRIP states, “Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior, and informed consent of the Indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”³⁰⁶

Furthermore, the ICCPR provides for the protection of everyone against arbitrary or unlawful interference with their privacy, family, and home.³⁰⁷ It also offers protection against interference with the rights of persons belonging to minorities to enjoy their own culture.³⁰⁸

³⁰⁴ OHCHR, Forced evictions, Special Rapporteur on the Right to Adequate Housing, ohchr.org/en/special-procedures/sr-housing/forced-evictions

³⁰⁵ CESCR, General Comment 7 on Forced Evictions, paras 15 and 16.

³⁰⁶ UNDRIP, 2007, A/RES/61/295, Articles 10, 19, 20 (2) and 23.

³⁰⁷ ICCPR, Articles 17 and 23.

³⁰⁸ ICCPR, Article 27.

CONSERVATION AND THE MAASAI WAY OF LIFE

UNESCO posits that the Maasai community living adjacent to the Maasai Mara National Reserve, which is in the same ecosystem as the Serengeti National Park and NCA in Tanzania, “has for many years lived in peace with the wildlife, their land use practice has until recently been strictly pastoralism that conquers [sic] with wildlife conservation”.³⁰⁹ UNESCO documents that in 1979 an estimated 20,000 Maasai were living in the NCA, with some 275,000 head of livestock, which was considered within the capacity of the reserve.³¹⁰ In 2021, more than 40 years later, the state observed that the human population had reached 110,000, with more than one million cattle,³¹¹ a fourfold increase.

Maasai experts believe the statistics above have been exaggerated significantly by the government to justify the state’s relocation of the Maasai from their land, including a similar eviction plan that is underway in Ngorongoro division. A report published by the Maasai community in May 2022 indicates that the population density in Ngorongoro district remains below 11 people per square kilometre, far below the national average of 73 people per square kilometre. The Maasai, until the 2022 forced evictions, occupied only 4% of the NCA land, as per the community report.

Despite the population growth, the Maasai insist that they have been using their land in a sustainable way. Many of the Maasai community members who spoke to Amnesty International told the researcher that they are nomadic pastoralists who travel with their livestock throughout the year finding pasture for the livestock and surviving entirely on the milk, meat, and blood of their cattle. Over the years though, they have also shifted to an agricultural-based lifestyle for subsistence. An average family, the researcher observed, cultivates between 4,046m² and 12,140m² of land (1-3 acres) in Loliondo. This is for domestic use, with a small amount being sold in the local market.³¹²

The Maasai graze their livestock in different areas with the changing of the seasons, a practice that allows the grasslands to regenerate.³¹³ “In Maasai tradition, land is viewed as a common resource, to be shared equally but under careful management that ensures its sustainable use. During severe droughts, for example, grazing may be extended into marginal lands that would otherwise be rarely used.”³¹⁴

Maasai community members informed the Amnesty International researcher that they do not eat game or birds.³¹⁵ The Maasai do not hunt wildlife for food or any other reasons and have lived together with wild animals for many years. With thousands Maasai living within the NCA, Ngorongoro has the lowest number of cases of animal poaching in Tanzania, despite being the only conservancy inhabited by the local community.³¹⁶ Interview respondents told Amnesty International that they used the 1,500km² of land in dispute for grazing and not cultivation. There were, however, a few human settlements in the area that security forces destroyed during the 10 June 2022 forced

³⁰⁹ UNESCO, The African Great Rift Valley – The Maasai Mara, “Justification of Outstanding Universal Value”, whc.unesco.org/en/tentativelists/5512/

³¹⁰ UNESCO, The African Great Rift Valley – The Maasai Mara (previously cited).

³¹¹ The Citizen, “Government defends Loliondo demarcation, Ngorongoro relocations”, 23 June 2022, thecitizen.co.tz/tanzania/news/national/government-defends-loliondo-demarcation-ngorongoro-relocations-3857372

³¹² Interviews in person with 10 community members from Ololosokwan village, Narok, 5 and 6 August 2022; interviews in person with 16 affected Maasai people, Arusha and Narok, July and August 2022. On 11 and 12 March 2023, the Amnesty International researcher conducted a research mission to Loliondo to collect data and gather further insights first hand.

³¹³ National Geographic, “The cattle economy of the Maasai” (previously cited).

³¹⁴ National Geographic, “The cattle economy of the Maasai” (previously cited).

³¹⁵ Interviews in person with three community members from Ololosokwan village, Narok, 5 and 6 August 2022; interviews in person with six affected Maasai people, Arusha and Narok, July and August 2022.

³¹⁶ Interviews in person with seven community members from Ololosokwan village, Narok, 5 and 6 August 2022.

evictions.³¹⁷ In addition to using the land sustainably for grazing, the community recycles the materials used to build their homes and the structures around their homes, including the kraals for their animals. The Maasai in Loliondo do not use timber or logs from trees for construction purposes; instead, they use sticks and twigs, mud, and cow dung to build their homes.³¹⁸

Although there have been changes to the Maasai way of life, prompted by the growth of the human population, which have an impact on the wildlife and conservation of the NCA, conservation experts such as IPBES have reported that conservation efforts work better when Indigenous people are included in the management of natural resources. In 2019, IPBES found that globally biodiversity is declining everywhere, but on Indigenous peoples' lands it is declining at a slower rate or not at all. Where decline is happening on Indigenous peoples' lands there are external factors such as extractive industries.³¹⁹ "The Maasai also claim that another reason for adjusting their way of life is because of government policies that tend to push people to live in small village areas which is not compatible with their nomadic and pastoralist ways of life."³²⁰

In a 2008 report commissioned to inform engagement of Indigenous peoples, the World Bank also found that "engaging [Indigenous peoples] more effectively in biodiversity conservation represents a win-win situation" and that "Indigenous peoples are carriers of ancestral knowledge and wisdom about this biodiversity. Their effective participation in biodiversity conservation programmes as experts in protecting and managing biodiversity and natural resources would result in more comprehensive and cost-effective conservation and management of biodiversity worldwide."³²¹

IUCN, a global membership union of both government and civil society organizations, provides in its guiding principles that members should "respect, protect, promote and fulfil all procedural and substantive rights, including environmental and customary rights, for just and equitable conservation".³²² It also states that there should be respect of the right of Indigenous peoples to "engage in their traditional cultural practices, but also, amongst others, for the rights to the ownership and use of territory and natural resources, self-governance and self-determination as embedded in UNDRIP".³²³

In the National Human-Wildlife Conflict Management Strategy 2020–2024, the Ministry of Natural Resources and Tourism presents as some of its guiding principles that "human-wildlife coexistence will be primarily enhanced in the long term by increasing participatory land use planning that meets the needs of communities while ensuring wise management of wildlife corridors and buffer zones; [human-wildlife coexistence] management will also focus on increasing benefits to communities, improving livelihoods, and incentives for coexistence with wildlife; and that [human-wildlife coexistence] management should be a collaborative and consultative process, with information sharing and exchange of lessons learned between actors".³²⁴

Traditional Indigenous territories encompass up to 22% of the world's land surface and they coincide with areas that hold 80% of the planet's biodiversity.³²⁵ Successful, rights-based conservation must therefore recognize Indigenous peoples as part of the solution, starting by giving full recognition in law to their land rights. Given that they have a proven record of better conservation outcomes than government-led initiatives, states must recognize their leading role in conservation. States should provide funding and technical support and may engage in co-management conservation protocols with Indigenous peoples where they consent to it. "There can be no shortcuts to sustainable and effective conservation; it needs to be done together with those who have protected these areas of rare biodiversity for thousands of years. Indigenous peoples must be recognized not only as stakeholders, but as rights holders in conservation efforts undertaken in their lands and territories."³²⁶

Wildlife conservation must become a win-win solution where those who live close to wildlife can be involved in protecting it, while continuing to gain from the conservation themselves through their livelihoods such as the use of

³¹⁷ Interviews in person with 10 community members from Ololosokwan village, Narok, 5 and 6 August 2022.

³¹⁸ Interviews in person with 10 community members from Ololosokwan village, Narok, 5 and 6 August 2022; interviews in person with 16 affected Maasai people, Arusha and Narok, July and August 2022. On 11 and 12 March 2023, the researcher conducted a research mission to Loliondo to collect data and gather further insights first hand.

³¹⁹ Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, "Nature's dangerous decline 'unprecedented'; species extinction rates 'accelerating'", 6 May 2019, ipbes.net/news/Media-Release-Global-Assessment

³²⁰ Email correspondence with Joseph Oleshangay, one of the lawyers for the 27 accused persons, 6 May 2023.

³²¹ The World Bank, *The Role of Indigenous Peoples in Biodiversity Conservation: The Natural but Often Forgotten Partners*, May 2008, pp. 49-53, worldbank.org/curated/en/995271468177530126/pdf/443000WPOBOX321onservation01PUBLIC1.pdf

³²² IUCN, Policy on Conservation and Human Rights for Sustainable Development

(IUCN WCC Resolution 5.099, September 2012), September 2022, p. 7, on file with Amnesty International.

³²³ IUCN, Policy on Conservation and Human Rights for Sustainable Development (previously cited).

³²⁴ Ministry of Natural Resources and Tourism, National Human-Wildlife Conflict Management Strategy 2020–2024 (previously cited).

³²⁵ The World Bank, *The Role of Indigenous Peoples in Biodiversity Conservation: The Natural but Often Forgotten Partners* (previously cited), pg. xi, para. 1,

worldbank.org/curated/en/995271468177530126/pdf/443000WPOBOX321onservation01PUBLIC1.pdf

³²⁶ UN Special Rapporteur on the rights of indigenous peoples, Report: Protected areas and indigenous peoples' rights: the obligations of states and international organizations, 19 July 2022, UN Doc A/77/238, para. 66.

grazing land for the Maasai. Any tourism initiatives on Indigenous peoples' lands must only proceed with their free, prior, and informed consent, and with benefit-sharing from revenues that the state gains from the tourism activities.

CONCLUSION AND RECOMMENDATIONS

CONCLUSION

“Forced evictions intensify inequality, social conflict, segregation and invariably affect the poorest, most socially and economically vulnerable and marginalized sectors of society, especially women, children, minorities and Indigenous peoples.”³²⁷

OHCHR, Special Rapporteur on the Right to Adequate Housing.

As a result of the 10 June 2022 forced evictions, many Maasai Indigenous people in Loliondo were wounded, others were left homeless, and many were forced to flee the country. Those who sought shelter in Kenya with their relatives and friends were living without means of earning a livelihood.

The Maasais have Indigenous knowledge and a sustainable way of protecting the environment, but the state has not meaningfully engaged the community in wildlife and biodiversity conservation. Instead, the state used exclusionary conservation, whereby security forces have forced the Maasai from the village land where they used to graze their cattle alongside the wildlife. Amnesty International rejects the notion that there is a tension between conservation and human rights. When creating wildlife conservation areas, game reserves and other protected areas, the state must support Indigenous peoples to take a leadership role in conservation, through recognition of their land rights and building on their traditional knowledge, rather than forcibly evicting them from their ancestral lands and denying them access to areas on which they depend for subsistence and cultural reproduction.

Furthermore, lands used by Maasai pastoralists for grazing are increasingly threatened by the establishment of conservation areas often established without seeking their consultation or participation, and the subsequent issuance of hunting licenses to tourism enterprises.

The Tanzanian government has failed to prioritize access to justice and effective remedies for victims and accountability for the human rights violations committed by security forces in Loliondo. Impunity for the forced evictions, ill-treatment, excessive use of force, and arbitrary arrests and detentions over the years has contributed to a never-ending cycle of violations. In 2009, 2013 and 2017, the Maasai community in Loliondo faced violent confrontations with security forces, including the Tanzania People’s Defence Force and the Tanzania Police Force burning down their homesteads and using force against members of the community who tried to resist the evictions. In all these cases, the state did not obtain free, prior, and informed consent for the land acquisition.

³²⁷ OHCHR, Special Rapporteur on the Right to Adequate Housing (previously cited).

The 2022 forced evictions were carried out with impunity and disregard for court directives. The Tanzanian government forcibly evicted members of the community on 10 June 2022, contravening the EACJ injunction on 25 September 2018 prohibiting the state from evicting the community until the determination of the substantive case that the communities had filed against the state.³²⁸

As was the case after the 2009, 2013 and 2017 forced evictions, which involved joint operations by state security forces and the staff or representatives of a private company involved in Loliondo, who were present during the forced evictions, there have been no police investigations into these events, and no accountability for the human rights violations against the community.

The state has further failed in its legal obligation to thoroughly investigate the killing of police officer, Garlus Mwita, and the enforced disappearance of a community member, Oriaisi Pasilance Ng'iyoy, nine months after he was last seen wounded in Loliondo. Instead, the state has continued to deny its actions and any occurrences of forced evictions, including at the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) on 21 October 2022.³²⁹ In the statement, the state used in its defence the 30 September 2022 EACJ judgement that dismissed the community's case against the Tanzanian government over previous eviction operations.³³⁰ The court did nevertheless note that the eastern part of Serengeti National Park is registered village land,³³¹ which forms part of the area where the June 2022 forced evictions took place.

Furthermore, the failure to compensate the affected Maasai people for destruction of property and loss of access to traditional land and livelihoods during the forced evictions violates Tanzania's international human rights obligations.³³² The CESCR instructs that "where those affected [by forced evictions] are unable to provide for themselves, the state party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available".³³³ The African Charter further provides for the right to justice in Articles 3, 4, 5, 6 and 7.

RECOMMENDATIONS

To address specific issues raised in this report, Amnesty International makes the following recommendations.

TO THE PRESIDENT

- Ensure that Tanzanian authorities respect, protect, promote, and fulfil the human rights of everyone and halt the ongoing forced eviction of the affected Maasai community from their ancestral lands in the Loliondo division.
- Ensure that Tanzanian authorities recognize the Maasai as an Indigenous people and further recognize their right to their ancestral lands in Loliondo.
- Suspend any land acquisition plans in Loliondo and ensure that none proceed unless the Maasai community has given their free, prior, and informed consent in genuine consultations.
- Ensure that Tanzanian authorities guarantee a safe return of the forcibly evicted Maasai to their traditional lands, and make sure they have access to effective remedy for the human rights violations that they have suffered, including restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.
- In line with a supported recommendation in Tanzania's last Universal Periodic Review,³³⁴ ensure Tanzanian authorities end repression and human rights abuses by security forces towards the Indigenous Maasai community in Ngorongoro district, and promptly, thoroughly, impartially, independently, transparently and effectively, investigate allegations of security forces crackdown on people that caused the killing of a police officer, Garlus Mwita; the enforced disappearance of an 84-year-old man, Oriaisi Pasilance Ng'iyoy; indiscriminate shooting of community members; their forced displacement from their homes; and the

³²⁸ EACJ, Application No. 15 of 2017 arising from Reference No. 10 of 2017, *Ololosakwan Village Council & 3 Others vs Attorney General of Tanzania* (previously cited).

³²⁹ Geophrey Privatus Mizengo Pinda, Deputy Minister, Ministry of Constitutional and Legal Affairs, United Republic of Tanzania, Statement at the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR), 21 October 2022, on file with Amnesty International.

³³⁰ EACJ, Reference No. 10 of 2017 *Ololosakwan Village Council & 3 Others vs Attorney General of Tanzania* (previously cited).

³³¹ EACJ, Reference No. 10 of 2017 *Ololosakwan Village Council & 3 Others vs Attorney General of Tanzania* (previously cited), typed judgement, para. 5.

³³² The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly Resolution 60/147, 16 December 2005.

³³³ CESCR, General Comment 7 on Forced Evictions, para. 16.

³³⁴ UNHRC, Report of the Working Group on the Universal Periodic Review: United Republic of Tanzania, 21 December 2021, UN Doc. A/HRC/49/13 and its Addendum, UN Doc. A/HRC/49/13/Add.1, Recommendation 145.51 (Latvia).

destruction of property. Also ensure that anyone suspected of being responsible is brought to justice in fair trials and that victims are provided with access to justice and effective remedy.

- Ensure that Tanzanian authorities take preventative and remedial measures, including policies, legislation, regulations, and adjudication to protect everyone from human rights abuses by third parties, including business enterprises.
- Implement supported recommendations from Tanzania's first Universal Periodic Review³³⁵ to ensure that Tanzanian authorities take prompt steps to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), which it signed in 2009, and take the necessary measures to ensure that enforced disappearance constitutes an offence under Tanzanian criminal law.
- Ensure that Tanzanian authorities conduct impartial, independent, and transparent investigations into the role of corporate complicity in the forced evictions in Loliondo with a view to holding any perpetrators fully accountable, in accordance with domestic and international standards of due process.

TO THE MINISTER OF LANDS, HOUSING AND HUMAN SETTLEMENTS DEVELOPMENT

- In line with the supported part of a recommendation from Tanzania's third Universal Periodic Review to clarify land rights, safeguard traditional livelihood and culture, and adopt positive measures to protect them,³³⁶ ensure that the Maasai and other Indigenous peoples of Tanzania have secure rights to their lands and resources.
- Consult effectively with Indigenous peoples and obtain their free, prior, and informed consent for decisions concerning their lands.
- Develop and adopt legislation establishing guidelines for evictions that comply with international human rights law. Such legislation should include requirements to ensure:
 - evictions and displacements are minimized by first seeking alternatives;
 - evictions can only take place in 'exceptional circumstances;'
 - when 'exceptional circumstances' arise, ensure state and non-state actors follow the correct operational procedures at each stage of the eviction process – before, during and after – in compliance with international human rights standards; and
 - Indigenous peoples are effectively consulted, and their free, prior, and informed consent is obtained, before any change in land use of their ancestral lands.

TO THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS

- In line with a supported recommendation in Tanzania's last Universal Periodic Review,³³⁷ promptly, thoroughly, impartially, independently, transparently, and effectively investigate all allegations of crimes by security forces documented in this report and ensure that all persons suspected to be responsible are prosecuted before civilian courts in proceedings that meet international fair-trial standards without the use of the death penalty.
- Allow all Maasai people who were subject to forced evictions to have access to effective remedy and reparations, including restitution of their lands, rehabilitation, compensation, satisfaction and guarantees of non-repetition.
- Implement supported recommendations from Tanzania's first Universal Periodic Review³³⁸ to ensure Tanzanian authorities ratify the International Convention for the Protection of All Persons from Enforced Disappearance and take the necessary measures to ensure that enforced disappearance constitutes an offence under Tanzanian criminal law.

³³⁵ In the first review, Tanzania supported two recommendations to ratifying the ICPPED, which it said that it was considering. UNHRC, Report of the Working Group on the Universal Periodic Review: United Republic of Tanzania, 8 December 2011, UN Doc. A/HRC/19/4 and its Addendum UN Doc. A/HRC/19/4/Add.1, Recommendations 83.11-12 (France, Spain).

³³⁶ UNHRC, Report of the Working Group on the Universal Periodic Review: United Republic of Tanzania, 21 December 2021 (previously cited), Recommendation 147.131 (Finland).

³³⁷ UNHRC, Report of the Working Group on the Universal Periodic Review: United Republic of Tanzania, 21 December 2021 (previously cited), Recommendation 145.51 (Latvia).

³³⁸ In the first review, Tanzania supported two recommendations to ratify the ICPPED, which it said that it was considering. UNHRC, Report of the Working Group on the Universal Periodic Review: United Republic of Tanzania, 8 December 2011 (previously cited), Recommendations 83.11-12 (France, Spain).

- In line with supported recommendations from Tanzania’s third Universal Periodic Review,³³⁹ revise policies and practices for the policing of protests, and comply with international human rights standards, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, as the guiding principles underpinning all operations before, during and after demonstrations.
- Strengthen access to justice for all, and the most marginalized communities, and ensure judicial processes are undertaken in compliance with the highest standards of impartiality and the rule of law, including international human rights law.

TO THE MINISTER OF HOME AFFAIRS

- End repression and human rights abuses by security forces towards the Indigenous Maasai people in Ngorongoro district, and promptly, thoroughly, impartially, independently, transparently, and effectively investigate security operations that caused the killing of a police officer, Garlus Mwita; the enforced disappearance of an 84-year-old man, Oriaisi Pasilance Ng’iyo; the shooting of community members; their forced displacement from their homes; and the destruction of property. Also ensure that anyone suspected of being responsible is brought to justice in fair trials and that victims are provided with access to justice and effective remedy.
- Set up a system of monitoring of violations committed by law enforcement to ensure that administrative sanctions are taken against officers who violate procedures and ensure access to effective and transparent administrative and judicial mechanisms for victims to obtain redress for the unlawful acts of officers.
- Carry out a programme to ensure efficient, transparent, and effective access to citizenship documentation for all Maasai of Loliondo, accompanied by a comprehensive awareness-raising campaign.
- Conduct impartial, independent, and transparent investigations into the role of corporate complicity in the forced evictions in Loliondo with a view to holding any perpetrators fully accountable, in accordance with domestic and international standards of due process.

TO THE MINISTER OF DEFENCE AND NATIONAL SERVICE

- In line with a supported recommendation in Tanzania’s last Universal Periodic Review,³⁴⁰ ensure Tanzanian authorities promptly, thoroughly, impartially, independently, transparently, and effectively investigate all allegations of crimes by the Tanzania People’s Defence Force in this report and ensure that all persons suspected of being responsible are prosecuted in proceedings that meet international fair-trial standards without the use of the death penalty.
- Set up a system of monitoring of violations committed by the defence forces to ensure that administrative sanctions are taken against officers who violate procedures and ensure access to effective and transparent administrative and judicial mechanisms for victims to obtain redress for the unlawful acts of officers.

TO THE MINISTER OF NATURAL RESOURCES AND TOURISM

- In line with the supported part of a recommendation from Tanzania’s third Universal Periodic Review, to clarify land rights, safeguard traditional livelihood, culture, and adopt positive measures to protect them.
- Ensure Tanzanian authorities promote pastoralism as a viable wildlife conservation model, rather than restricting pastoralists from access to water and pastures that are within the contested 1,500km² area.
- Ensure Tanzanian authorities consult with communities and conservation actors through intensive, open, and inclusive dialogues to collectively envision a long-term plan for natural resource management and utilization in the Loliondo area to achieve sound development and conservation policies.
- Ensure Tanzanian authorities respect, protect, promote, and fulfil the human rights of everyone and halt the ongoing forced eviction of the affected Maasai people from their ancestral lands in the Loliondo division.

³³⁹ UNHRC, Report of the Working Group on the Universal Periodic Review: United Republic of Tanzania, 21 December 2021 (previously cited), Recommendations 147.101, 147.103 and 147.105 (Finland, Montenegro, Republic of Korea).

³⁴⁰ UNHRC, Report of the Working Group on the Universal Periodic Review: United Republic of Tanzania, 21 December 2021 (previously cited), Recommendation 145.51 (Latvia).

- Ensure Tanzanian authorities adopt a fully human rights-compliant approach to nature conservation, which recognizes the significant role of communities that have coexisted with and cared for flora and fauna for hundreds of years.
- Ensure Tanzanian authorities promptly, thoroughly, impartially, independently, transparently, and effectively investigate all allegations of human rights violations by wildlife officials in Loliondo, including the unlawful use of force, and bring to account all those suspected of being responsible, including commanding officers, through criminal or disciplinary proceedings as appropriate, and provide full redress to victims.

TO THE MINISTER OF HEALTH

- Address the issue of people being turned away from medical facilities because they did not have a police medical examination form 'PF3'.

TO THE CHAIRPERSON OF THE COMMISSION FOR HUMAN RIGHTS AND GOOD GOVERNANCE

- Ensure the conduct of prompt, thorough, impartial, independent, transparent, and effective investigations into all alleged human rights violations, including the killing of police officer, Garlus Mwita; the enforced disappearance of a community member, Oriaisi Pasilance Ng'iyoy; arbitrary arrest and detention; the indiscriminate shooting of community members; and other inhuman treatment in accordance with its mandate.
- Ensure the provision of technical support to the Maasai Indigenous people to help them prepare and file complaints when their rights are violated.
- Ensure that all victims of forced eviction have access to effective remedy and reparations, which includes restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.
- Safeguard people's timely access to effective remedies, including by making recommendations for law reform to the executive to recognize the Maasai as an Indigenous people and further recognize their right to their ancestral lands in Loliondo.
- Ensure that Tanzanian authorities adhere to the UN Guiding Principles on Business and Human Rights, which provide that states should exercise adequate oversight to meet their international human rights obligations when they contract with, or legislate for, business enterprises to provide services that may impact upon the enjoyment of human rights.
- Ensure that Tanzanian authorities adhere to the UN Guiding Principles on Internal Displacement, which stress that states are under a particular obligation to protect against the displacement of Indigenous peoples, minorities, peasants, pastoralists, and other groups with a special dependency on and attachment to their lands.
- Ensure that Tanzanian authorities conduct impartial, independent, and transparent investigations into the role of corporate complicity in the forced evictions in Loliondo with a view to holding any perpetrators fully accountable, in accordance with domestic and international standards of due process.

TO THE KENYAN MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION

- Facilitate the refugee registration and documentation processes to enable access to rights, services, and assistance for individuals, families, and other members of the Maasai community from Loliondo.

TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

- Call on the Tanzanian government to conduct prompt, thorough, impartial, independent, transparent, and effective investigations into all allegations of human rights violations, including the killing of police officer, Garlus Mwita; the enforced disappearance of a community member, Oriaisi Pasilance Ng'iyoy; the shooting of community members; arbitrary arrest and detention; and other inhuman treatment in accordance with its mandate. Also call on the Tanzanian government to bring to justice those suspected as being responsible and to provide victims with access to justice and effective remedies.
- Urge the Tanzanian government to ensure that all victims of forced eviction have access to effective remedy and reparations, which includes restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.

- Follow up on the urgent call of 13 June 2022 for the cessation of the eviction of the Maasai community in the Ngorongoro district of Tanzania and request that the Tanzanian government:
 - halts the ongoing forcible eviction of the affected Maasai community from their ancestral lands in the Loliondo division of Ngorongoro district, Arusha region, and east of the Serengeti National Park;
 - urgently opens independent investigations into the violence occasioned since the start of the ongoing forced eviction of the affected communities and ensure full and effective remedies and reparations to address the harm suffered by victims, including any loss of property;
 - reinstates and provides the necessary support for the rehabilitation of the communities that were forcibly evicted;
 - reopens the plan for the establishment of the conservation area for full consultation, participation, and free, prior, and informed consent of the affected communities; and
 - ensures that any measures for implementation of the conservation area are carried out in full collaboration with the affected communities, including with guarantees for secure access to and use of resources on the affected territory by the members of the community.
- Consider developing principles on the promotion and protection of human rights in the context of wildlife conservation in Africa.
- Expedite the preparation and release of the report of its January 2023 promotion mission to Tanzania during which the Africa Commission's delegation visited the Ngorongoro Conservation Area, Loliondo and Msomera.

TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

- Call on the Tanzanian government to carry out prompt, thorough, impartial, independent, transparent, and effective investigations into the violence occasioned since the start of the ongoing forced eviction of the affected communities and call for the Tanzanian government to provide effective remedies and reparations to address the harm suffered by victims including any loss of property.
- Call on the Tanzanian government to conduct prompt, thorough, impartial and independent, transparent, and effective investigations into all alleged human rights violations, including the killing of police officer, Garlus Mwita; the enforced disappearance of a community member, Oriaisi Pasilance Ng'iyoo; arbitrary arrest and detention; shooting of community members; and other inhuman treatment, and to bring suspected perpetrators to justice in fair trials as well as provide access to justice and effective remedies to victims.
- Follow up on the urgent call on 15 June 2022 for the cessation of the eviction of the Maasai community in the Ngorongoro district of Tanzania and request that the Tanzanian government:
 - halts plans "immediately [...] for relocation of the people living in Loliondo and the Ngorongoro Conservation Area and begin consultations with the Maasai Indigenous people, including direct contact with the Ngorongoro Pastoral Council, to jointly define current challenges to environmental conservation and best avenues to resolve them, while maintaining a human rights-based approach to conservation";³⁴¹ and
 - demonstrates transparency by accepting requests for outside scrutiny, including responding to country visit requests by the UN Special Rapporteur on the Right to Adequate Housing and the UN Special Rapporteur on the Rights of Indigenous Peoples.
- Urge the Tanzanian government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and take the necessary measures to ensure that enforced disappearance constitutes an offence under Tanzanian criminal law.
- Consider developing principles on wildlife conservation and human rights.

³⁴¹ OHCHR, "Tanzania: UN experts warn of escalating violence amidst plans to forcibly evict Maasai from ancestral lands", 15 June 2022, [ohchr.org/en/press-releases/2022/06/tanzania-un-experts-warn-escalating-violence-amidst-plans-forcibly-evict](https://www.ohchr.org/en/press-releases/2022/06/tanzania-un-experts-warn-escalating-violence-amidst-plans-forcibly-evict)

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FORCED EVICTIONS OF THE MAASAI IN LOLIONDO, TANZANIA

On 10 June 2022, Tanzanian authorities began using force to disperse Maasai community members protesting a government-sanctioned land demarcation exercise. The Maasai removed beacons erected by security forces to mark the boundaries of 1,500km² of land in Loliondo in Tanzania's northern Ngorongoro district in Arusha region, which the Maasai Indigenous people lay claim to and are no longer allowed to access. The June 2022 evictions resulted in about 70,000 people losing access to grazing land critical to the health of their livestock and their livelihoods. Security forces' operations in the area left Maasai community members in Loliondo living in fear and without safe, adequate shelter.

This report reveals that the events of 10 June 2022 were not unprecedented and that historically brutal force has been used against the Maasai people. It highlights grievous defects in the decision-making process that was used to justify forced evictions of the Maasai. Multi-agency security forces comprising the Tanzania Police Force, its Field Force Unit and the Ngorongoro Conservation Area Authority, backed by the Tanzania People's Defence Force, carried out violent forced evictions of the Maasai in 2009, 2013, 2017 and in 2022 – all in the name of conservation.

Lands used by Maasai pastoralists for grazing are increasingly threatened by the establishment of conservation areas without community consultation or participation, and the subsequent issuance of hunting licences to private tourism enterprises.