

## **Mandate of the Special Rapporteur on the rights of indigenous peoples**

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the rights of indigenous peoples pursuant to Human Rights Council resolution 24/9.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the **alleged attacks against Maasai communities in Tanzania**, in particular the villages of Mabwegere (in Kilosa District) and Kambala (in Mvomero District) resulting in the gross and continued human rights violations of their individual and collective rights.

According to information and allegations received:

The most recent series of organized assaults against Maasai pastoralists started on 18 January 2015 after the burial of a farmer from Morogoro municipality. The latter was allegedly killed on 16 January during confrontations that had erupted at the Kambala community when he was attempting to farm on village lands without the consent of the Kambala village authorities. Since then, Maasai men and women have suffered repeated attacks which have indiscriminately been directed at traders, University students or travelers passing through the municipality. Datoga pastoralists, who are often mistaken for Maasai have also been reportedly attacked.

As a result of the assaults in Morogoro municipality, one or two Maasai have been killed, about a hundred people are reportedly injured and about 50 people are missing. Fear of travel within the municipality has allegedly prevented the authorities of the communities from establishing the exact number of persons injured, missing or killed. It has also prevented the victims from accessing hospitals or schools.

On that same day, the Lukenge hamlet of Mabwegere village in Kilosa District, was allegedly attacked by individuals from neighboring villages and towns. As a result of those attacks, six women were reportedly raped, two elders seriously injured, two community leaders placed in custody and 38 houses burned to the ground. 266 men, women and children were left without food and shelter, and 160 cattle were stolen. Although the cattle were subsequently released, ten animals were reportedly lost. On 17 February, a Maasai elder from Mabwegere was reportedly killed by trespassers into the village and four men entering the village land were killed by Mabwegere villagers during a fight.

The community of Kambala, Mvomero district, has allegedly been suffering from continuous police harassment. A village elected leader, charged with murder, was remanded in custody on 2 February and later released on bail. Four other Maasai men from the community were also reported to be remanded in custody. Robbery of cattle has also been reported in Kambala village, where 145 cattle were taken by hired vigilantes allegedly with the support from the police. Only part of the stolen cattle was later returned to their owners, with 67 animals being lost which led to shortage of food and basic subsistence for the pastoralists' families.

According to the information received, the attacks were well organized and financed and have created an environment of fear among the Maasai living in the region. Maasai representatives have sent delegations to discuss the situation with district and regional authorities, requesting protection in order to stop the escalation of violence. It is reported that no protection has been provided to the affected communities, while the police and hired security personnel are protecting outsiders, who enter community lands without permission from the village authorities and who forcibly cultivate on lands legally registered to the Kambala and Mabwegere communities.

On 7 February, the Prime Minister committed to visit the region following the visit of a Maasai delegation who explained the situation of impunity and incitement to hatred in the area instigated according to them by regional and district authorities of Morogoro. Despite the continued recurrence of violent episodes, the visit has not taken place.

During the Parliamentary session of 6-7 February, Hon. John Mosome Cheyo, MP for Bariadi, expressed his concern that the assaults on Maasai in Morogoro could lead to genocide. Maasai authorities have voiced similar concerns.

While I do not wish to prejudge the accuracy of these allegations, I urge your Excellency's Government of the United Republic of Tanzania to take all necessary measures to ensure that the human rights of Maasai people are fully respected, in strict

compliance with international standards protecting the rights of indigenous peoples. I would like to call your Excellency's Government's attention especially with regard to allegations on the collusion of police forces, regional and district authorities and commercial interests in the commission of alleged gross violations of the fundamental human rights of Maasai citizens, including their right to life, security, food, home, access to justice, non-discrimination and their communal rights to village lands and respect of their elected authorities as enshrined in the Declaration for the Rights of Indigenous Peoples which your Excellency's Government voted in favor of in 2007 in particular articles 2, 21, 25, 26, 27 and 40.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

While awaiting a reply I urge that all necessary interim measures be taken to halt the alleged violations and their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

With a view to further clarify the situation and ensure the full respect of all human rights of the Maasai pastoralists affected, I would like to request your Excellency's Government to provide, as soon as possible but no later than 30 days, answers to the following questions:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Has your Government taken any measures to investigate the alleged killings, rapes and physical violence against Maasai individuals and the alleged attacks on the Maasai communities, including encroachment on their lands and cattle rustling? Has any particular attention been given to investigations regarding the involvement of the police and local authorities in such serious human rights violations?
3. What measures, if any, has your Government taken or does propose to take to bring to justice and to sanction the funders, instigators and perpetrators of the attacks?
4. Has your Government taken any measures to provide adequate compensation to the pastoralists for the harm they have suffered, including loss of cattle? Has your Government taken any measures to provide adequate compensation for the burned houses and the property thereof? Is your Government providing assistance to the injured persons from these communities hospitalized in Morogoro General Hospital and other hospitals?

5. What measures has your Government taken or intends to take to ensure that the land rights and boundaries of these legally registered communities are respected and protected from being encroached upon?

6. What measures has your Government taken to implement the 2012 ruling of the Court of Appeal on the legal status of the Mabwegere village, which states that farmers must vacate the land they have occupied for agriculture?

7. What measures has your Government taken or intends to take to respond to the concerns expressed in Parliament and by Maasai authorities to stop the escalation of violence in the region?

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Victoria Lucia Tauli-Corpuz  
Special Rapporteur on the rights of indigenous peoples