

of Tanzania were used to forcibly evict thousands of villagers and artisanal miners from Nyabigena area of Kewanja Village, currently the site of the Gokona Pit mined by Barrick Gold;

7. Further to what is stated in paragraph 6 above, numerous people were shot and wounded among whom I remember Kachee Makoma who was shot in the lower back and severely wounded. In addition to the wounded, dozens of villagers were arrested, detained and later prosecuted for various offences and many were imprisoned for lengthy periods of time;
8. Further to the forced evictions referred to above, many hundreds of villagers lost their farmlands, crops and other property rights with payment of fair, just and adequate compensation to them;
9. That I remember on July 20, 2005 a Kewanja villager, Marwa Kihengu Nyansinge, was shot dead by members of the company's Mobile Patrol Unit at the Nyabigena Primary School grounds. That fatal shooting sparked a villagers uprising in which another villager, Bhoke Maseke, killing was run over a company vehicle and killed instantly and Mine property was attacked and some of it destroyed. As far as I know, none of the Mine security personnel concerned was ever arrested or prosecuted following these two killings or any investigation, by way of inquest, ever conducted;
10. That on the contrary, dozens of villagers were arrested and later charged with malicious damage to the Mine property which charges were one year later dismissed for want of evidence and the villagers freed by the Tarime District Court;
11. That I also remember that on June 1, 2006, a member of the Mine's Mobile Patrol Unit, Chacha Joseph Meng'anyi, shot and killed a Nyangoto villager, Clever Yohana, by shooting him five times in the back as he ran away from the Mobile Patrol Unit pursuing him and several other youth found inside the sprawling Mine. In protests that followed the fatal shooting, anti-riot police shot and wounded another villager by the name of Kaduma Daniel Mhochi and arrested dozens of villagers;
12. That further to paragraph 10 above, the said Chacha Joseph Meng'anyi was charged with the murder of Clever Yohana in the Tarime District Court. However, the murder charges were later dropped

AFFIDAVIT OF KIGUKU RYOBA KIGUKU

I, KIGUKU RYOBA KIGUKU, Christian, 49 years old resident of Nyangoto Village of Matongo Ward in Tarime District, Mara Region in Tanzania do hereby make oath and state as follows:

1. That I was born, raised and currently live at Nyangoto Village in Matongo Ward of Tarime District in Mara Region, Tanzania and I am conversant with the facts set forth herein;
2. That Nyangoto Village and the neighbouring villages of Kewanja and Kerende in Kemambo Ward, and Matongo Village of Matongo Ward have since 1993 been the site of the North Mara Gold Mine, currently owned by Barrick Gold Corporation of Toronto, Canada;
3. That previous to Barrick Gold's takeover of the North Mara Gold Mine, it was owned and/or operated by another Canadian company by the name of Placer Dome which company had acquired the Mine from Afrika Mashariki Gold Mine Ltd. of Australia;
4. That throughout its existence, the North Mara Gold Mine has had a history of violent conflict with the surrounding local communities arising from, and/or connected with, dispossession of the communities' land and other property rights, loss of livelihoods, disregard for civil liberties and human rights abuses perpetrated by and/or at the instigation and/or for the benefit and/or interests of the various companies, including Barrick Gold, that have owned and operated the Mine from its inception;
5. That I personally have been victim of the companies' land alienation practices in that in December of 1999 I, together with forty two other villagers, was sued by Afrika Mashariki Gold Mine Ltd. in the High Court of Tanzania at Mwanza over the plots we then owned and which the company claimed for its Gold Mine whose construction was about to begin. Unable to defend myself for want of financial resources to hire lawyers, I was eventually compelled to vacate my farmland, two houses and a family graveyard which were then taken over by the company without payment of any compensation whatsoever;
6. That the various owners of the North Mara Gold Mine have frequently used, and/or instigated the use of, force of arms to dispossess villagers of their farmlands and/or evict them from their homes and/or settlements to wit, in August of 2001 security forces of the Government

and Chacha Joseph Meng'anyi has since been promoted to become the Mobile Patrol Unit's Assistant Chief Security Officer;

13. That in a similar case that happened in April of 2006, another Barrick security guard whose name I do not recall shot dead Kubyo Kemahi Nyahegere of Muriba Village outside the Mine's Gokona Pit. The security guard involved was arrested and charged with murder but he was soon released on a *nolle prosequi* entered by the Director of Public Prosecutions;
14. That I am aware that members of Barrick Gold's Mobile Patrol Unit were responsible for the shooting death of Chacha Bimo, a charcoal maker from Genkuru Village and an unidentified resident of Mkomalilo Village in Bunda District who was shot dead near Barrick Gold's airstrip at Kewanja Village on September 5, 2005 and secretly transported to an undisclosed location for burial. As far as I know, none of these deaths has been investigated and/or action taken against those responsible;
15. That on December 11, 2008 at about six o'clock in the evening I went to do my laundry at a water well that is located between Nyangoto Village and the North Mara Gold Mine's Nyabirama Pit. The water well is about fifty meters from the Nyabirama Pit and that side of the Mine is not fenced and very often villagers pass through on their way to their farms or homes on the other side of the Pit;
16. That while I was doing my laundry at the water well, a resident of Mrito Village by the name of Mang'weina Mwita Mang'weina whom I have known throughout my life as a distant cousin passed by the water well and, after exchanging greetings, told me he was going to visit his aunt Matinde Mang'weina whose house stands on the other side of the Nyabirama Pit;
17. That a few minutes after the said Mang'weina Mwita Mang'weina had passed by the water well, I saw one police vehicle, a green Toyota Land Cruiser, with numerous police officers from the Nyangoto Police Post led by the Post Commander one Sub-Inspector Lazaro driving towards the Nyabirama Pit. Apart from the police officers there were about four civilians in the said police vehicle all of them I identified as being Nyangoto villagers;

18. That soon after the police vehicle disappeared into the Nyabirama Pit I heard the sound of gunfire coming from the direction of the Pit and I then saw four persons running out of the Pit and into the Village houses pursued by the police officers who were shooting indiscriminately towards the direction of the village where the four villagers had run into;
19. That as the said police officers continued shooting I saw Mang'weina Mwita Mang'weina hit by gunfire fall to the ground at about forty meters from the water well. Upon seeing this, I ran to where Mang'weina Mwita Mang'weina had fallen and found him lying on his back and crying for help and bleeding profusely from gunshot wounds on his back and abdomen;
20. That I was the first person to reach Mang'weina Mwita Mang'weina but within a short time many other villagers joined including the local elected leader by the name of Chacha Matoke. Thereafter I called a taxi driver by the name of Odira Charles who brought his car to the scene and, assisted by four other village youth two of whom I identified as Chacha Magwe and Chacha Mecky, took Mang'weina Mwita Mang'weina drove in the direction of Nyangoto Hospital;
21. That the police officers responsible for the shooting did not come to where Mang'weina Mwita Mang'weina lay wounded and bleeding but continued to shoot indiscriminately even as villagers gathered to try to assist Mang'weina Mwita Mang'weina get to hospital;
22. That I went back to the water well to collect my laundry and from there I made for Nyangoto Hospital and arrival I was informed that Mang'weina Mwita Mang'weina had died of his wounds before reaching the hospital. I personally saw Mang'weina's body at the hospital morgue and I identified it to the Police Commanding Officer for Tarime District and a medical officer from Tarime District Hospital who came the following morning and gave permission for the body Mang'weina Mwita Mang'weina to be taken by relatives for burial;
23. That the incident in which villagers are alleged to have invaded the Mine and set Mine property allegedly worth millions of dollars did not happen at all. On the contrary, soon after learning that Mang'weina Mwita Mang'weina had been shot dead angry villagers set fire to only one Caterpillar loader which was found outside the Mine on the road

to Nyabichune locality. The burnt remains of the said Caterpillar loader remain on the scene to this day;

24. That on December 13, 2008 I wrote to the Tarime District Commissioner Stanley Kolimba denouncing the police for killing of Mang'weina Mwita Mang'weina and for being responsible for the state of tension and conflict prevalent in the areas around the North Mara Gold Mine. I personally handed the letter to DC Kolimba who promised to hold an open meeting with the communities to discuss the situation within two days;

25. That on December 15, 2008 the Tarime District Commissioner Kolimba, accompanied by the District Commanding Officer and numerous other district officials, held an open public meeting with Nyangoto villagers at the Nyabichune site where the Mine's Caterpillar loader referred to in paragraph 22 above was set on fire. At that meeting the District Commissioner read the letter referred to in paragraph 23 above and asked the villagers whether what I had written was true and he was answered affirmatively whereupon he asked me to pay another visit to his office after two days for further discussions on the security situation at and around the North Mara Gold Mine;

26. That at about three o'clock on the morning December 16, 2008 I was arrested while sleeping at the home of Erick Phinehas Mang'weina who is the first cousin of the late Mang'weina Mwita Mang'weina. After the arrest, Erick Mang'weina and I were detained at the Nyangoto Police Post until December 19, 2008 when we were boarded onto the Mine's vehicle and taken to Tarime Town where we, together with eighteen other Nyangoto villagers, were charged with conspiracy, criminal trespass and malicious damage to the Mine's property allegedly worth US dollars thirty million in Tarime District Court Criminal Case No. 508 of 2008;

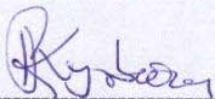
27. That neither the Mine nor police prosecutors ever brought any witnesses to testify against us and so on March 17, 2009 the criminal charges referred to in paragraph 25 above were dismissed by the District Court and we were all set free;

28. That on March 25, 2009, about one week after I was set free by the District Court, I was arrested again at Nyangoto Village and taken to Tarime Town where I was detained at Tarime Police Station until April 1, 2009 when I was released without any charges being preferred;

29. That police officers at Nyangoto Police Post have since my release continued to verbally threaten me with arrest and prosecution if I do not stop making statements or taking action deemed to be against the interests of the North Mara Gold Mine;

30. That I believe the arrests, detention and/or prosecutions and/or threats thereof referred to in paragraphs 25, 26, 27 and 28 above are intended to secure my silence and/or to prevent me from making statements and/or taking action deemed prejudicial to the interests of the North Mara Gold Mine and/or the police personnel involved in repression of the local communities surrounding the Mine;

Dated at Dar es Salaam this 29th April, 2009.

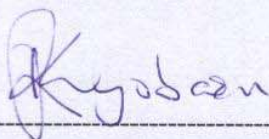


Kiguku Ryoba Kiguku

VERIFICATION

I, KIGUKU RYOBA KIGUKU do hereby verify that all what is stated in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 above is true to the best of my own knowledge and belief.

Verified at Dar es Salaam this 29th day of April 2009.



KIGUKU RYOBA KIGUKU

SWORN at Dar es Salaam by the said KIGUKU RYOBA }
KIGUKU who was identified to me by TUNDU AM }
LISSU, learned Advocate, the latter being known to me }
personally this 29th day of April, 2009. }


DEPONENT

BEFORE ME:



COMMISSIONER FOR OATHS



DRAWN BY:

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