

AFFIDAVIT OF CHACHA MARWA MUHONO

I, CHACHA MARWA MUHONO, Moslem, 65 years old resident of Kegonga locality of Matongo Village in Matongo Ward of Tarime District, Mara Region in Tanzania do hereby affirm and state as follows:

1. That I was born, raised and currently live at Kegonga locality in Matongo Village of Matongo Ward of Tarime District in Mara Region, Tanzania and I am conversant with the facts set forth herein;
2. That the late Muhono Marwa whose death is the subject of this affirmation was my stepbrother and at the time he met his death was living with me at Kegonga locality;
3. That at the time of his death, the late Muhono Marwa was aged twenty five years of age having been born sometime in 1984;
4. That on the morning of January 28, 2009 I left home with Muhono Marwa and a nephew of mine by the name of Kagesa Nyamuhanga intending to go Nyangoto Village to sell bags of maize that Muhono Marwa and I carried. Nyangoto Village center is about three kilometres to the north of Kegonga locality;
5. That when we reached the road that passes close to the rock tailings from the North Mara Gold Mine we saw two police officers standing on top of the rock of the tailings waste about twenty meters from where we were. The police officers suddenly and without warning started to shoot at us from the top of the rock pile where they were standing;
6. That when we heard gunfire we turned around and started running back to where we were coming from. In the midst of bursts of gunfire I heard anguished cries of other people in the vicinity and when I turned I saw Muhono Marwa had already collapsed to the ground dead. I went into a state of shock and do not remember what happened next until when the District Commanding Officer and the Tarime District Medical Officer arrived and asked me to identify Muhono Marwa for purposes of autopsy;
7. That after the said autopsy, the District Medical Officer called me and Kagesa Nyamuhanga and told us that Muhono Marwa had been shot through the shoulder blade with the bullet coming out through the left

breast. The District Commanding Officer then allowed us to take the body for burial. We buried Muhono Marwa at my family compound at Kegonga on January 29, 2009;

8. That on the morning of February 13, 2009 four police officers came to see me in my farm near Nyangoto Village and told me to show them the vehicle that had passed by my farm carrying ores from the Mine. When I told them I had seen no such vehicle they took to the Mine compound where they kicked and beat me up and later took me to Nyangoto Police Post;
9. That I was detained at the Police Post for the next four days until February 17, 2009 when one of my nephews was compelled to give a bribe of Tanzania Shillings three hundred thousand to the police officers and I was released without being charged with any offence;
10. That as far as I know, none of the police officers who appear to have been responsible has been arrested and no further steps in the form of criminal investigations appear to have been taken;

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

CHACHA MARWA

Chacha Marwa Muhono

VERIFICATION

I, CHACHA MARWA MUHONO, do hereby verify that all what is stated in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 above is true to the best of my own knowledge and belief.

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

CHACHA MARWA

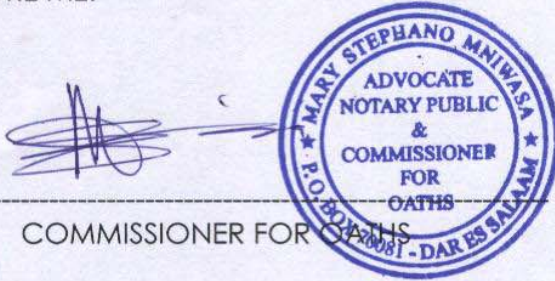
CHACHA MARWA MUHONO

AFFIRMED at Dar es Salaam by the said CHACHA MARWA
MUHONO who was identified to me by TUNDU A.M. }
LISSU, learned Advocate, the latter being known to me }
personally this 29th day of April, 2009. }

} CHACHA MARWA

DEPONENT

BEFORE ME:



COMMISSIONER FOR OATHS

DRAWN BY:

Messrs. Tundu A.M. Lissu Advocates
Lawyers' Environmental Action Team
Mazingira House, Plot 428
Laureate Road, Mikocheni B
P.O. Box 21746
DAR ES SALAAM.