

AFFIDAVIT OF KAGESA NYAMUHANGA KIRINDO

I, KAGESA NYAMUHANGA KIRINDO, Christian, 33 years old resident of Nyangoto 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 Nyangoto 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 step-uncle and at the time he met his death was living with my other step-uncle Chacha Marwa Muhono at Kegonga locality of Nyangoto Village;
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 was sent to visit my mother's farm at Kegonga locality where my two step-uncles Chacha Marwa Muhono and Muhono Marwa live. After Chacha Marwa Muhono and I inspected my mother's maize farm, my two step-uncles decided to accompany me to Nyangoto Village where they intended to sell some maize at the Nyangoto Centre market, some three kilometres from Kegonga locality;
5. That at about nine o'clock in the morning we left Chacha Marwa's home with Muhono Marwa both of whom carried bags of maize on their shoulders and walked on foot towards the Nyangoto Village Centre. After walking for about half an hour we reached a road that separates the village lands and the area used for dumping tailings waste from the North Mara Gold Mine;
6. That after we reached the road referred in paragraph 5 above, we saw two police officers standing on top of the rock tailings waste about twenty meters from where we were. Suddenly and without any warning one of the police officers fired a tear gas canister us which was then followed by a burst of gunfire from both of them;
7. 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 shouts from other villagers who were also and when I turned around I saw Muhono Marwa had collapsed to the ground and was lying in a pool of blood already dead. I too started shouting for help and many villagers arrived in the area including the Matongo Ward Councillor Bartholomew Machage and Nyangoto Village Chairman Marwa Nyamuhanga;

8. That I saw a company vehicle, a white Toyota Land Cruiser, driven by a company employee by the name of Domi Zachariah which came to where the villagers were gathered around Muhono Marwa body while on the rock pile to the left there appeared a large group of people including police officers and white company employees who appeared to be taking video pictures of what was going below. When nothing happened to the vehicle Domi Zachariah drove off and went back to the Mine compound;
9. That after Domi Zachariah left, two more company vehicles came to the scene this time with both police officers and company employees whom I know one by the name of Masanda Omtima while the other I know to be Public Relations Manager but I do not know her name. Both the police officers and Masanda Omtima stated that they wanted to take Muhono Marwa's dead body to the company clinic inside the Mine compound. All the villagers present refused to let the police officers to take Muhono's body whereupon more police officers came to the scene with more vehicles. Councillor Machage and Chairman Nyamuhanga then explained the villagers' decision that Muhono Marwa's body would not be taken from the scene until the District Commanding Officer comes to see for himself what had happened;
10. That at about two o'clock in the afternoon the District Commanding Officer accompanied by the District Medical Officer arrived on the scene and the District Medical Officer proceeded to carry out an on-the-spot autopsy on Muhono Marwa's body. Following the said autopsy, the District Medical Officer called Chacha Marwa and I, as relatives of Muhono Marwa, and told us the results of his autopsy that 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 step-uncle Chacha Marwa's compound at Kegonga locality on January 29, 2009;
11. That to this day I have not been called by the police to make a statement on the circumstances surrounding Muhono Marwa's killing

nor am I aware of any other official investigation undertaken to establish the cause and/or reasons for the said killing. Furthermore, to this day we have not been informed which of the two police officers who fired at us actually killed Muhono Marwa;

12. 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.

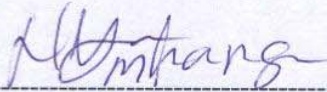


Kagesa Nyamuhanga

VERIFICATION

I, KAGESA NYAMUHANGA KIRINDO, do hereby verify that all what is stated in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 above is true to the best of my own knowledge and belief.

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



KAGESA NYAMUHANGA KIRINDO

SWORN at Dar es Salaam by the said }
KAGESA NYAMUHANGA KIRINDO 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. }



DEPONENT

BEFORE ME:





COMMISSIONER FOR OATHS

DRAWN BY:

Messrs. Tundu A.M. Lissu Advocates
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