



The Chairperson,
African Commission on Human and Peoples Rights,
31 Bilijo Annex Layout Kombo North District Western Region,
P.O. Box 672 Banjul, The Gambia.

24.01.2023

ALERT ON THE ONGOING ACHPR PROMOTION MISSION TO TANZANIA 23RD – 27TH JANUARY 2023

We congratulate the African Commission on Human and Peoples Rights (ACHPR) for exercising its promotional mandate under article 45(1) of the African Charter on Human and Peoples Rights as provided in its press release dated 19.01.2023 with an objective, “Specifically, to seek information on and assess the situation of human rights of indigenous populations/communities in Tanzania including particularly to review the situation in Loliondo and Ngorongoro Park [sic].”

The press release came to our attention on 23.01.2023. However, we got informal and unofficial information from sources outside the Commission on the visit on 18.01.2023 whereupon we raised ours concerns through a letter sent to the chairperson of the Commission on 21.01.2023 of which we got his response 22.01.2023 on which the chair said through e – mail communication, *“The Commission has duly noted your observations as it engages with government with good people of Tanzania”*.

Subsequent to our prior systematic continuous engagement with the Commission including its 73rd session of the Commission and different engagement of the working groups on indigenous populations/communities, we appreciate the coming of the Commission to Tanzania for promotion mission on human rights specifically in Ngorongoro and Loliondo.

Following this visit and presence of the Commission in Tanzania, we strongly wish to alert the Commission and the public of the following observations;

1. The presence of the government on site, identification, preparation of participants from the communities and CSO's and selection of venue/meeting locations compromises the information and data likely to be presented to the Commission. We are aware that meetings with CSO's and communities are organized by state party through NCAA, Ministry of Constitution and Legal Affairs, Regional and District Commissioner's offices who are the same accused on violation of human rights in Loliondo and Ngorongoro.

As CSO's we strongly believe that, using the state party machinery to organize community meetings, it's not likely to get right respondents, if so, compromise freedom of expression, poses security issue and intimidate indigenous people to provide information and evidence. Ultimately it will be difficult to have an objective and independent report of the Commission.

In regard to the public information provided by the Commission through the press release dated 19.01.2023, coupled with the remoteness of the indigenous communities, it is unlikely that the Commission will meet sufficient number of victims of violations of human rights and access to documented evidences of violations. Based on the content of the press release there is no dedicated communication mechanisms that the public can use to provide relevant information with regard to human rights violations in Loliondo and Ngorongoro. Also at no given time, did the Commission provide and communicated with indigenous peoples or their civil society organizations. The



Commission should provide mechanisms to receive information and evidence from indigenous peoples themselves.

2. The Commission mission program and itinerary did not independently accommodate indigenous peoples and CSO's. Therefore, indigenous people and their CSO's were accommodated in ad hoc manner depending on availability of time within the already scheduled engagement with other prepared stakeholders by the state party.

We request the Commission on the remaining time between 24.01.2023 onwards to accommodate opportunities to meet victims and CSO's who are not part of the state organized respondents in neutral sites with absence of the government and its forces to avoid creation of intimidating environment, and insecurity of respondents.

During the ad hoc meeting with Commission and the CSO's in Arusha on 23.01.2023, the Commission accepted that it will meet with affected communities of NCA at a location that will be selected by the community. The community assemble at Mokilal village in Ngorongoro ward; however, the state party authorities diverted the Commission to Nainokanoka village in which they already prepared people who were staged to show that they have willingly accepted to migrate to Msomera. The meeting of the Commission in Nainokanoka village was conducted openly in the presence of the government officials and security forces which compromised freedom of expression. We believe this is a strategy of diverting attention of the victims and suppressing the voices of the people to the interest of the state party. We strongly suggest that the Commission be given an opportunity to meet indigenous people who are self-organized and free from intimidation.

3. Freedom of expression include confidentiality of information, security of information, privacy of information, protection of sources, which affects security of respondents. When meeting a few members of the communities and victims at no time did the Commission solicit information privately, everything was discussed in open meetings which defeat confidentiality, freedom and security of respondents. We strongly urge the Commission to create space to meet the victims individually and privately as some of the violations have the potential of exposing them and reduce their dignity. It's obvious that this have and will affect the quality of the information and evidence provided.
4. We noticed that at the end of the mission, the Commission will hold a press conference and therefore, we urge the Commission to make public the date and venue of the press conference and ensure that independent media are invited to attend and report unrestrictedly.
5. During the visit of the Commission, we have witnessed presence of security and intelligence personnel heavily armed, the same happened as the Commission met with communities in Ngorongoro on 24.01.2023. The environment was intimating to human rights defenders and victims of human rights violations meeting with the Commission on 23.01.2023. This further, creates insecurity of victims and defenders of human rights violation during and after the mission. We therefore, urge the Commission to make a formal communication to the state party to ensure that no one is implicated as result of his or her work in connection with engagement with the Commission.



6. It has come to our attention that there is a possibility of the Commission to visit Msomera village in Handeni District, Tanga Region, we strongly urge the Commission to meet resident indigenous pastoralists of Msomera village whose rights are violated as a result of trespass and intrusion into their land after relocation of pastoralists from Ngorongoro.