

CONFIDENTIAL

IN THE HUMAN RIGHTS AND GOOD GOVERNANCE

COMMISSION

AT DAR ES SALAAM

COMPLAINT NO 127/2003/2004/ MADINI

BETWEEN

ELISHA MARWA NYAMHANGA & 59 OTHERS-COMPLAINANTS

AND

- 1. DIRECTOR OF AFRIKA MASHARIKI GOLD MINES LTD**
- 2. DIRECTOR OF "PLACER DOME" COMPANY LTD**
- 3. HON. DANIEL YONA**
- 4. HON. ABDALLAH KIGODA**
- 5. HON. WILLIAM SHIJA**
- 6. COMMISSIONER FOR MINERALS**
- 7. JOHN BOSCO MBUSIRO (PUBLIC RELATION OFFICER)**
- 8. HON. PASCHAL MABITI (DISTRICT COMMISSIONER)**
- 9. DAVID MAGABE (DISTRICT LAND VALUATION OFFICER)**
- 10. PAUL NTOBI (REGIONAL POLICE COMMANDER)**

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**REF: COMPLAINT RELATING TO VIOLATIONS OF
FUNDAMENTAL RIGHTS AND DUTIES ARISING
FROM FORCED EVICTIONS OF ARTISANAL MINERS
FROM AFRIKA MASHARIKI GOLD MINE, TARIME**

The General Manager of Afrika Mashariki Gold Mines Ltd, the "Placer Dome" company Ltd, Mr. John Bosco Mbusiro, Hon. Paschal Mabiti and Mr. David Magabe (hereinafter referred to as the 1st, 2nd, 7th, 8th and 9th Respondents Respectively) of the complaint No. 127/2003/2004/Madini.

Take Notice that the above mentioned complainants are among the 1259 complainants from different villages in Tarime District who have lodged their complaints before this Commission and they are legally represented by their advocates (Lawyers Environmental Action Team) commonly known as "LEAT".

While the Commission is still conducting its investigation in relation to the said matter, the Commission has received information from the complainants' advocates that the 7th, 8th and 9th Respondents in this complaint carried out a campaign intended to force the above mentioned complainants from Nyangoto Village of Nyabirama area to accept inadequate compensation from the 1st and 2nd respondents.

Furthermore the 8th and 9th Respondents are alleged to have threatened to imprison any or all complainants who have rejected the compensation as offered by the 1st and 2nd Respondents, who are carrying out mining operations in the disputed area.

Due to the fact that the said matter is still pending before the Commission, therefore the Commission in exercise of the powers conferred upon it under section 25 (d) of Act No. 7/2001 do hereby make an interim order to all concerned, that is 1st, 2nd, 7th, 8th and 9th Respondents to refrain from doing any

act on the said disputed area until the final determination of the complaint

Failure to comply with this order legal action shall be taken against you in accordance with the provisions of section 37 of the Act No. 7 of 2001, as amended by Act No. 16 of 2001.

Ordered accordingly.

Given under my hand and seal of the Commission this 24th day of Nov 2003.


CHAIRMAN
THE COMMISSION FOR HUMAN RIGHTS AND GOOD GOVERNANCE

Justice (Rt) Robert H. Kisanga,
CHAIRMAN
COMMISSION FOR HUMAN RIGHTS AND GOOD GOVERNANCE.

COPY TO BE SERVED UPON

1. General Manager of Afrika Mashariki - 1st Respondent,
EAGM/Afrika Mashariki Gold
Mines Ltd,
Plot 11/8, Block C, Njiro,
P.O. Box. 10960,
ARUSHA
or
P.O. Box 71579,
DAR ES SALAAM.
or
P.O. BOX 422,
TARIME.
2. Director of "Placer Dome" 2nd Respondent,
C/O General Manager,
EAGM/Afrika Mashariki Gold,
Mines Ltd,
Plot 11/8, Block C, Njiro,
P.O. Box. 10960,
ARUSHA

3. John Bosco Mbusiro - 7th Respondent,
Public Relations Officer
C/O General Manager,
EAGM/Afrika Mashariki Gold,
Mines Ltd,
Plot 11/8, Block C, Njiro,
P.O. Box. 10960,
ARUSHA

4. Hon. Paschal Mabiti (DC) 8th Respondent,
DC Tarime,
P.O. Box 1,
TARIME.

5. David Magabe 9th Repondent,
District Land Valuation Officer,
S.L.P. 16,
DED,
TARIME.

6. Elisha Marwa & Others
C/o Lawyers' Environment Action Team (LEAT),
Mazingira House, mazingira Street,
Mikocheni Area,
P.O. Box 12605,
DAR ES SALAAM
TANZANIA.