

TANZANIA

Criminalization of Indigenous Peoples in Tanzania

By Navaya James Ndaskoi, PINGOs Forum



PINGO's Forum



**Indigenous Peoples
Rights International**
Championing Indigenous Peoples Rights

Criminalization of Indigenous Peoples in Tanzania

By Navaya James Ndaskoi, PINGOs Forum

Tanzania is a union between Tanganyika and Zanzibar which took place in 1964. The union was followed by the ban of multiparty democracy. The country became a single party state.

Totalitarianism gained momentum with the ruling party becoming supreme. The state became extremely violent. In 1992, multiparty democracy and good governance were restored.

In 2015, the government resorted to brutal politics. Arbitrary arrests, abductions and extrajudicial killings of activists, critics, journalists and social influencers were reported widely. Magufuli died in March 2021. However, he left behind a terrible legacy that Tanzania will live with, no doubt, for a foreseeable future. The iron fist lives on.

Given such a repressive climate, Indigenous Peoples face unimaginable suffering with impunity.

Legal Framework

The Tanzanian Constitution, specifically Article 13, prohibits discrimination of all forms. Apart from its Constitution, the country has signed and ratified numerous regional and global legal instruments against all forms of discrimination based on gender and cultural background.

Tanzania has ratified the International Covenant on Civil and Political Rights (CCPR); the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW); the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the International Covenant on Economic, Social and Cultural Rights (CESCR); the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD). **The country voted in favor of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007.**

The country has signed and ratified the African Charter on Human and Peoples' Rights. The African Commission on Human and Peoples Rights recognizes Indigenous Peoples in Tanzania such as the Maasai and the Barbaig pastoralists as well as Hadza and Akiye hunter-gatherers. There are other Indigenous Peoples in the country, like Rotgenga and Burerga pastoralists and Sandawe hunters-gatherers.

In spite of its international obligations, the Tanzanian State, however, denies categorically the very existence of Indigenous Peoples.

The State ruthlessly and violently attacks defenders of Indigenous Peoples in the country. Any attempts to defend communal land rights often results in punitive criminal litigations. Indigenous peoples are forcefully evicted from their ancestral lands, depriving them of their natural resources. The State considers struggles for Self-determination and Self-governance as secession; the worst crime imaginable.

The following sections provide some cases that illustrate the criminalization of Indigenous Peoples in Tanzania.



Three Hadza hunter-gatherers in the death row

Three Hadza hunter-gatherers in the death row

On January 29, 2016 a helicopter was gunned down in Mwiba Wildlife Ranch, South-West of the world famous Serengeti National Park. The bullet sped through the bottom of the ill-fated chopper bringing it down instantly. The attack left one Briton, Captain Roger Gower who was piloting the aircraft, dead and a South African, Nicky Bester, seriously wounded.¹

Within hours the incident went viral online with articles portraying Gower as a wildlife saving hero, shot down while he was on an anti-poaching patrol. The social media was literally filled to the brims. The foreign press too had its field day. The BBC, CNN, the Guardian, The Independent, AFP and all the others joined swiftly. The Telegraph went a bit too far quoting campaigners saying that ‘the killing would be poaching’s ‘9/11’.²

“Roger Gower was involved in heroic and important work when he was attacked by suspected elephant poachers, and the injuries sustained from the bullet wounds...caused his death,” Jeremy Chipperfield, the Assistant Coroner for West London, told the BBC World Service.³

As would be expected the Tanzanian Government took immediate action. Some of its senior officials rushed to the site of the wreckage. Notable among them were the Minister for Natural Resources and Tourism, Prof. Jumanne Maghembe and Alan Kijazi, Director General of the State-owned parastatal, Tanzania National Parks. They made moving eulogies at the site.

Poachers, purportedly, shot down a chopper killing a white man who was allegedly protecting, above all, endangered African wildlife. The role played by the foreign mass media and the direct involvement of high ranking Government officials triggered an unprecedented manhunt.

“Gower, 37, died doing ‘heroic and important work’ to stop elephants being killed for their tusks,” an inquest in West London heard. Murder is a heinous crime. Killing a hero is worse.

Several men and women were rounded up and captured in Sungu Village, close to where the helicopter was downed. The arrested suspects belonged to an Indigenous People called the Hadza living in Sungu in the Lake Eyasi Basin within the East African Rift Valley.

The Hadza are hunter-gatherers. They have hunted wildlife sustainably since time immemorial. This is why there is plenty of wildlife in their area, in wide variety. Under Tanzanian laws, however, they are deemed poachers; a cardinal crime. The Sungu Village was terrorized by security forces.

Many of those arrested were, reportedly, badly beaten and tortured. This was said to be a way to force the suspects to confess quickly and fast. The Government wanted to reassure the notorious wildlife preservation lobby groups from across Tanzania and from around the world that it was protecting wildlife. Anybody caught on the way of this protection was doomed.

Dozens of those captured were remanded at police stations in Simiyu Region. They were denied bail. Neither their families nor lawyers were allowed to see them. A few were arraigned in court. Nine appeared in court said to have been in an ivory poaching gang.⁴ All of them were Hadza.

In early February 2016, the Bariadi Residence Magistrate’s Court sentenced the Hadza men to 15 years in prison each for possession and selling of fire arms without a permit against the laws. One of them was convicted of a fourth offence and therefore he was sentenced to a total of 20 years. The Resident Magistrate of Bariadi, Mary Mrio, presided over the judgment. **None of the convicts spoke Kiswahili, a language used in court. Nobody stepped up in aid of the Hadza given the nature of that litigation.**

Weeks later, three of the Hadza men were condemned to death. Public prosecutor Yamiko Mlekano claimed

1 <https://www.dailymail.co.uk/news/article-3462541/EXCLUSIVE-Nine-ivory-poachers-accused-shooting-hero-British-helicopter-pilot-sky-ried-save-elephants-Tanzania-appear-court-charged-murder-face-death-penalty-guilty.html> Accessed on October 17, 2025.

2 <https://theecologist.org/2016/mar/14/lies-conservation-truth-about-big-game-hunting-and-african-nature-reserves> Accessed on October 17, 2025.

3 <https://www.bbc.com/news/uk-england-birmingham-36437626> Accessed on October 16, 2025.

4 <https://www.thecitizen.co.tz/tanzania/news/national/nine-in-court-for-murder-2547178> Accessed on October 16, 2025.

that on January 29, 2016 the accused persons killed pilot Gower in the once ancestral land of the Hadza, Meatu District in Simiyu Region.⁵

In the murder case the suspects were defended by a State lawyer instead of private counsel. The chopper was said to have been brought down by just one shot. It is unfathomable to condemn three suspects to death while reportedly only one fatal shot was fired. Reportedly, the victims claimed that if the chopper would not have been shot they would have probably been killed since the rain of bullets from the low flying helicopter was enveloping them from all sides. If they had had a good lawyer the defense would have been able to raise these issues.

When the Hadza community heard that the three men had been condemned to death, they were traumatized. “We the Hadza are very scared. We will never fully recover from this pain.”⁶

Due to the lack of legal support, the defendants did not appeal. Too much time has elapsed since they were condemned to death. Their only chance is a judicial review, considering the lack of due process that ended in their sentencing.

5 <https://www.thecitizen.co.tz/tanzania/news/national/nine-in-court-for-murder-2547178> Accessed on October 16, 2025.
6 Confidential phone.comm, October 17, 2025.





The High Court absolves a Maasai jailed for 20 years



The High Court absolves a Maasai jailed for 20 years

Joshua Molo is a Maasai young man. He was born and raised in Meshili Village, Orbalbal Ward, within the world famous Ngorongoro Conservation Area in Northern Tanzania. His People, the Maasai, are known for its deep harmony with nature. The tribe co-exists with wildlife. The Maasai are natural conservationists who have lived peacefully with wildlife for centuries, guided by cultural principles such as “Menya olmurani ingw’esi,” meaning “a warrior does not kill wild animals for meat.” Wild meat is a taboo to the Maasai.

The Ngorongoro Conservation Area was established in 1958 as a multiple land use area. The area was mandated with three objectives. First to preserve wildlife and the environment, second to promote tourism and third was to promote the interest of Maasai pastoralists. In 1979 UNESCO inscribed the area as a World Heritage Site.

Joshua, like the majority of the Maasai in the area, refused categorically to vacate what he considers his ancestral land. The state agent managing the area, famously known as Ngorongoro Conservation Area Authority (NCAA), is notoriously known for attempting to retaliate against any Maasai who dares to stand on its way.

On a fateful morning in January, 2023 Joshua was herding goats and sheep not far from his home. A speeding car pulled up brakes. A frightening cloud of dust darkened the place for a while. As soon as the dust settled Joshua saw rangers and policemen, armed with machine guns, jumping down the pickup LandCruiser. ‘They attacked me profusely as they hurriedly forced me onto the pickup’, he declared.⁷

The vehicle made a u-turn almost overturning and sped terrifyingly towards the Ngorongoro Police Station. “As the car travelled, the rangers and policemen continued kicking, slapping and trampling on me as I lay on the pickup floor. I felt like they crushed my ribs. Blood was gushing out of my body as they attacked me mercilessly like wild dogs,” he said.⁸

All this time, the rangers and policemen were accusing him of unlawful possession of ivory. He was injured in the left eye but not taken to hospital. He was locked up for several days. “I was driven to Arusha Central Police Station in Arusha where I was locked up for about a week.”⁹

He was finally taken to Arusha District Court and charged for possession of Government’s trophy (ivory) and economic sabotage. His family was unaware of his whereabouts. He had no lawyer representing him in court. And he had never been to school. He does not speak English or Kiswahili, the languages spoken in Court. **He was found guilty and sentenced to prison for 20 years.** Neither his family nor the village leaders knew where Joshua was. His captors hide him deliberately.

Unprecedented fear consumed his loved ones. They gave up after searching as much as possible. The family and the community deemed him dead. His disappearance was a terrible fate. Miraculously, someone tipped off the family and village leaders that he had seen Joshua in court. The family and the community only arrived in court at the point of verdict, five months after he had been arbitrarily arrested.¹⁰

He served the sentence for a year in a prison called Kitai in Mbinga over 1200 kilometers from his home. In the facility “it was hard labour. Harsh environment and poor food and in most cases no food at all some days. I developed ulcers. I nearly died. The eye problem worsened.”¹¹

Eventually, his brothers and the chairman of the village turned to PINGO’s Forum for legal support. With determination and expert legal assistance, Criminal Appeal Number 3971 of 2023 was filed in July 2024. “I was transferred to Kisongo Prison when I appealed the sentence.”¹²

7 <https://www.youtube.com/watch?v=DrUYwwOWYQQ> October 15, 2025.

8 Per.comm, October 15, 2025.

9 Per.comm, October 15, 2025.

10 <https://www.youtube.com/watch?v=DrUYwwOWYQQ> October 15, 2025.

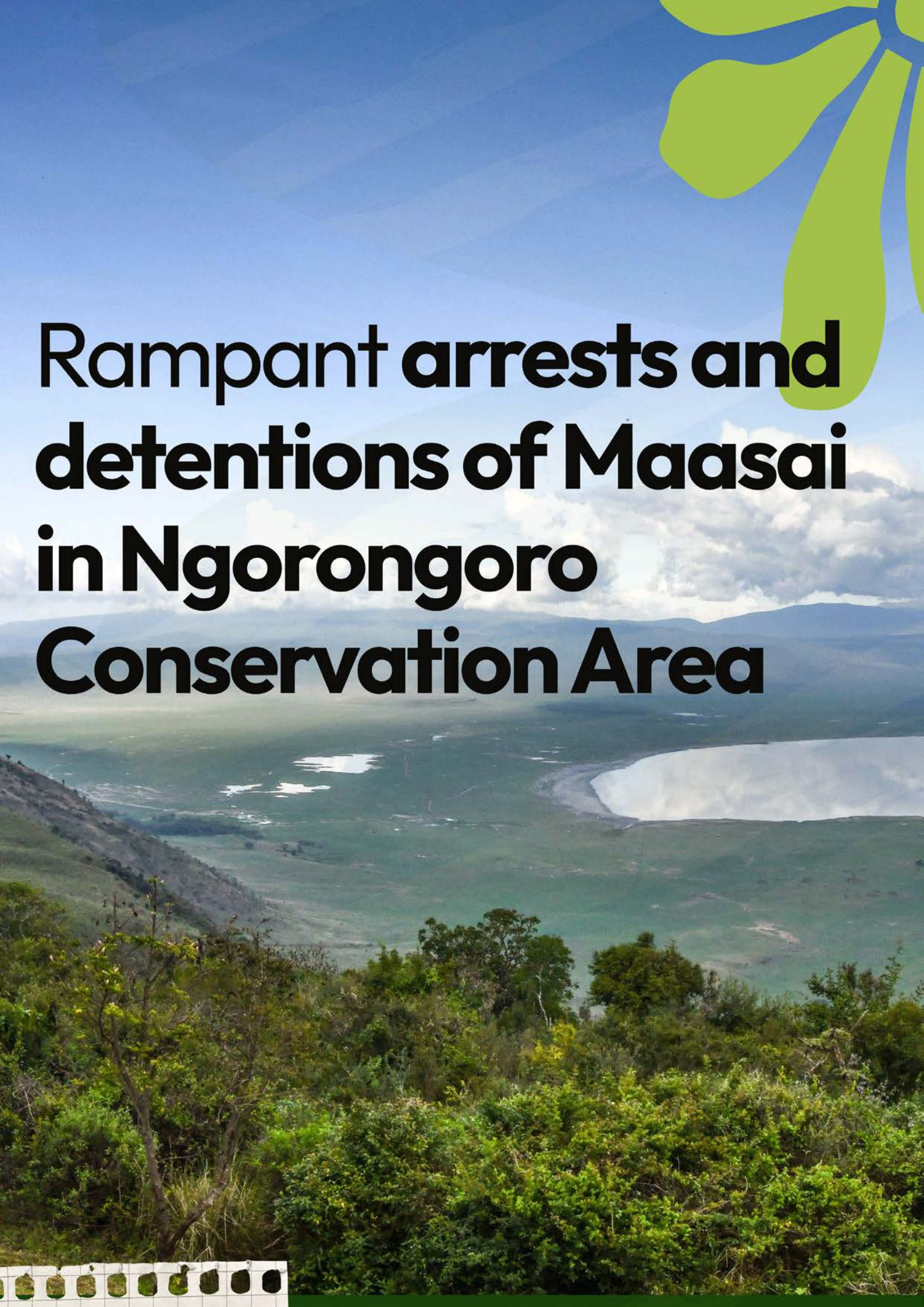
11 Per.comm, October 15, 2025.

12 Per.comm, October 15, 2025.

Justice finally prevailed. Joshua won the appeal on March 28, 2025. He is now a free man. “I was tortured and jailed unlawfully. We, the Masaai in Ngorongoro, have never killed wild animals. We have never poached. But we are victimized by using the very animals we live with and protect. In fact we, the Maasai, consider wild animals as our distant relatives,” he said.

This is a glaring example of how the Government can manipulate the legal system and devastatingly victimize Indigenous Peoples who resist eviction from their ancestral lands.





Rampant arrests and detentions of Maasai in Ngorongoro Conservation Area



Rampant arrests and detentions of Maasai in Ngorongoro Conservation Area

Leaving the Maasai in Ngorongoro Conservation Area in 1959, when the area was separated from the famous Serengeti National Park, was the result of a massive struggle. The notorious wildlife preservation lobby groups have attempted to evict the Maasai altogether many times since.

In 2025, the government made a statement implying that the Maasai will be evicted no matter what.¹³ The National Assembly picked up the issue which suddenly gained an all new urgency.¹⁴ A Member of Parliament (MP) called for war against the Maasai.¹⁵ Legislators were rallying behind the President. A few law makers such as the MP for Ngorongoro, Emmanuel Shangai, stood firm to defend the Maasai.¹⁶

The mass media joined the anti-Maasai propaganda now sponsored by the Executive and supported by the Parliament. The Government paralysed social services as a way to force the Maasai to relocate outside of the Ngorongoro, which is also a World Heritage Site.

For about a week, the Maasai held peaceful protests demanding a permit to renovate Ndian Primary School in Nasipooriong' Village. The response was increased disinformation propaganda in media. Some people posing as journalists were sent to Endulen market. These "journalists" engaged in ethnic hatred campaign against the Maasai around September 18, 2023.

The State responded by crushing the protesters and anybody in Nasipooriong Village and the Endulen Ward in general. Mass abductions of any man found there, the elderly, the sick, and the young. They were accused of having participated when Maasai chased away the "journalists." Thirty one of those first abducted were held incommunicado and not taken to court for weeks.

The Ngorongoro MP was not spared. On August 21, 2023 Shangai was arrested by Tanzanian police and NCAA rangers at his home in Karatu. He was then moved to Karatu Police Station for interrogation about his calls for accountability for the security operation in Ngorongoro.¹⁷ He was subsequently moved to an unknown location and held incommunicado for several days.¹⁸ Neither his family nor his lawyers were informed about his whereabouts.¹⁹

On August 29, 2023 several police officers abducted Denis Peshut in the morning. Nobody, not even the lawyers, were told about where he was taken and the offence he might have committed. After a few days some Maasai who saw him at Karatu Police Station informed his family accordingly. Some family members and lawyers went to the station to bail him out.

The police denied him bail claiming that they cannot interfere with the intelligence unit of Ngorongoro Conservation Area. He remained in detention for three long weeks pending police investigation. Peshut was later interrogated about the protests at Ndian Primary School, and the alleged chasing of government officers who were tricking the Maasai to relocate from Ngorogoro. He was also questioned about Maasai women's protest during the paramilitary manhunt in Endulen. He later reported that he was tortured and beaten badly by the rangers and the police.

Finally he was taken to Karatu District Court. The court granted him bail. The case came for mention more than four times without any complainants. The court dismissed the case forthwith.

Women and girls are not spared. Cases of rapes were widely reported as the rangers and policemen brutally searched for males who had fled the villages leaving behind women, children and the elderly. While Denis Peshut was in custody his mother, Noonguta Peshut, was arrested. On Sunday morning of September 10, 2023

she disappeared without trace for five days. The family was very worried. They searched for her in police

13 <https://www.youtube.com/watch?v=zDjXd--xl9w> Accessed on August 26, 2025.

14 <https://www.youtube.com/watch?v=39z5dJh5sMQ> Accessed on August 26, 2025.

15 <https://www.youtube.com/watch?v=lxYrbH0hdoc> Accessed on July 26, 2025.

16 <https://www.youtube.com/watch?v=QJxWyGL2H6o> Accessed on August 26, 2025.

17 <https://eatv.tv/news/current-affairs/mbunge-wa-ngorongoro-akamatwa-na-polisi> Accessed on August 26, 2025.

18 <https://www.youtube.com/watch?v=9wWt4ZlEOU> Accessed on August 26, 2025.

19 Pers.comm, August 25, 2023.


stations in Ngorongoro. Later she said:

I was arrested as I got out of the Sunday mass. I was with my neighbor and friend called Glory. Glory is married to my brother's son. We were bundled into the car. We were handcuffed and blindfolded. We thought they were going to rape us. We were scared we were going to be killed. We were driven very fast. My head hit the roof of the LandCruiser countless times as the car sped through the terrible road. When the car stopped we got out. The red-cloths around our faces were removed. We realized that we were at Ngorongoro Police Station. This is a place we know. We had never before been arrested. We thought that was our end on this earth. We spent some days there being asked why we were refusing to relocate.

After several days we were installed once again in a LandCruiser. When the car engine was switched off we realized that we were at Karatu Police Station. We asked the rangers and policemen if they could call our respective families to inform them that we were under arrest. **The angry looking and very intimidating men, all male, refused. Pointing guns at us, they threatened to shoot us if we dared to bother them again. I learnt that they had also arrested my son, Denis Peshut, weeks earlier. They refused to tell me his fate.**²⁰

Finally lawyers arrived. They facilitated the bails. They were released without charges. Rampant arrests of the Maasai in Nasipooriong' Village and Endulen Ward in general continued almost endlessly from August 18 to September 20, 2025. In total 60 people were arrested. Some people were released after two days in remand. Others were held incommunicado for weeks.





Abduction and malicious charge of Maasai in Loliondo and Ngorongoro



Abduction and malicious charge of Maasai in Loliondo and Ngorongoro

On June 11, 2022, Arusha Regional Commissioner, John Mongella, announced the death of a police officer named Garlus Mwita. He was allegedly shot with a poisoned arrow during a confrontation between security forces and Maasai people of Loliondo one day prior.

On June 9, 2022 the Ngorongoro District Commissioner had summoned all councilors from Loliondo to his office. Upon arrival, they were handed over to state security. The councilor for Soitsambu Ward, Daniel Ngoitiko, suspected a trap and he escaped to Kenya to save his life.

The whereabouts of the arrested councilors were unknown for several days until June 16, 2022. They were detained without trial, unable to contact their families and legal representatives. Eight days later they were charged with murder of the very police officer shot dead while they were already in custody. A suspect of murder offence cannot be bailed under Tanzanian law.

The clashes where the death of the police officer happened followed attempts by the State to plant boundary demarcation beacons on the land the Maasai consider theirs. This would turn 1,500 square kilometres of the 4,000 square kilometres of designated village land – comprising the Loliondo Game Controlled Area – into a no go zone. This would mean evictions of the Maasai and their livestock from 14 villages, displacing well over 70,000 Maasai from their ancestral land.

The altercation received wide-ranging reactions from both within and outside Tanzania. Over 120 Maasai people were reportedly injured. Thousands fled to neighboring Kenya.

The security forces destroyed houses, stole motorcycles and smartphones, seized and even shot livestock. The 84-year-old Oriais Oleng'yo is still disappeared. He was last seen on June 10, 2022, with severe bullet wounds and being held by security forces. His family later filed a case of enforced disappearance. On May 17, 2023 it was dismissed by a judge, on the grounds that the police were not responsible for the operation but the Minister of Natural Resources and Tourism, who was not sued in this enforced disappearance case.

On July 1, 2022 an offence was added against the said Maasai leaders and community members. In Criminal Case No.11 of 2022 the accused faced two counts of conspiracy and murder²¹ at the Arusha Resident Magistrate's Court. Prosecution alleged that the accused conspired to murder Government and police officers. In the second, they were accused to have killed a policeman.

The arrested councilors and their wards (in brackets) were: Moloimet Saing'eu (Ololosokwan), Lucas Kursas (Oloipiri), Mathew Siloma (Arash), Lemian Rago (Maaloni), Joel Lessonu (Malambo), Shengena Killel (Oloirien), Kijoolu Kakeya (Special Seats for Women) and Taleng'o Leshoko (Special Seat for Women). Also arrested among them was Ndirango Senge who was the then Ngorongoro District Chairman of the ruling Chama cha Mapinduzi.

A few days later, Simon Saitoti (Ngorongoro) was also arrested, even though he is not from Loliondo. Some weeks before his arrest, Saitoti led the Maasai people in his Ngorongoro Ward, Ngorongoro District, to take legal actions against Government's officers who supplied salt laced with poison. The said salt had killed hundreds of livestock in the area. By the time of his arrest he had already secured reports from four different laboratories, including Government's Chief Chemist, confirming that indeed the salt was poisonous.

In total 27 leaders and community members were charged for the two offences. Three people, including a minor who was also a student, were released leaving 24 behind bars.

During the time in custody, the State made no attempt at prosecution, but kept on postponing the hearings on the case.²² On November 22, 2022 the Director of Public Prosecution (DPP) dropped the charges.²³

21 <https://www.thecitizen.co.tz/tanzania/news/national/additional-offence-for-maasai-charged-with-police--3866136> Accessed on October 15, 2025.

22 <https://www.mwananchi.co.tz/mw/habari/kitaifa/kesi-mauaji-askari-loliondo-yapigwa-kalenda-3931180> Accessed on October 15, 2025.

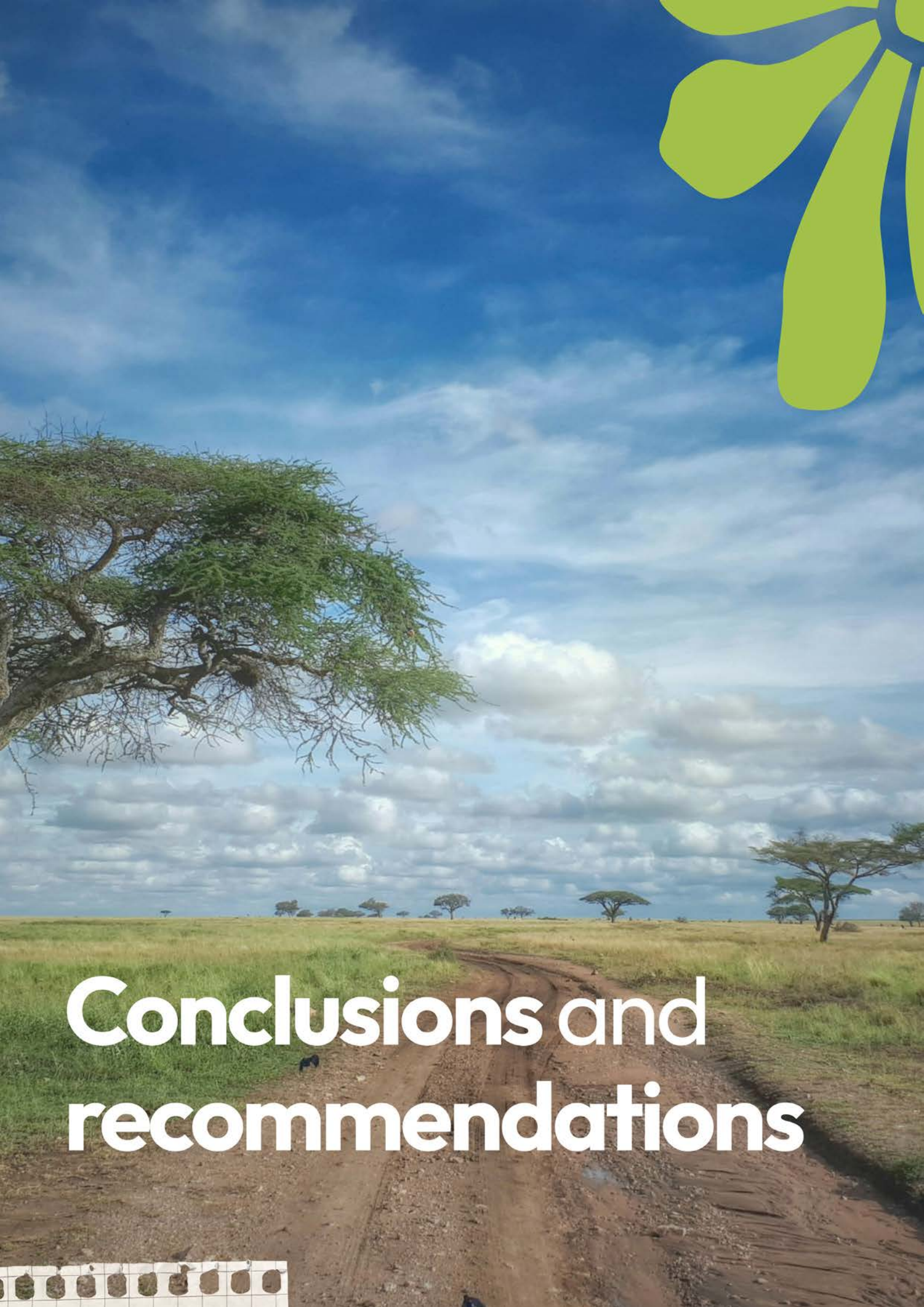
23 <https://dailynews.co.tz/arusha-court-frees-24-linked-to-killing-of-police-officer/> Accessed on October 15, 2025. State attorney, Upendo Shemkole, represented the DPP in the case, while 10 legal counsels led by Advocates Ernest Kivuyo and Jonas Masiaya represented the Maasai.

The accused were then freed. Just like that. They were detained for over five long months. Criminal prosecution in Tanzania is the mandate of the DPP. Given this fact, there is no chance for the Maasai in this case to litigate against their malicious trumped up charges and incarceration.

Kijoolu Kakeya, who is the head of her family, was also unwell when arrested. She was denied access to medication. By the time of her release she was so frail that she could barely walk. Her family, back in Loliondo, suffered greatly during her absence. All of her livestock was stolen and her house was demolished during the eviction. When she was finally released she had to ask for donations from well-wishers in order to buy some livestock and build a house.

While she might never fully recover from her losses, at least she built a basic shelter to house her family. She also bought a few goats, sheep and cattle from the donations. The memory of the nightmare she went through though will remain with her for the rest of her life. Above all, their once ancestral land, which was a prime grazing reserve, is gone forever.





Conclusions and recommendations



Conclusions and recommendations

The Constitution of the United Republic of Tanzania prohibits discrimination. Apart from the Constitution there is an elaborate network of policies and laws to combat discrimination. These laws, once put in the right use, should protect Indigenous Peoples against persecution.

Tanzania has also signed and ratified various regional and international legal instruments that promote and protect human rights, **including the rights of Indigenous Peoples**. These laws, declarations, and protocols collectively form the global human rights architecture. They not only establish the rights that all individuals and groups are entitled to but also create accountability mechanisms for States to ensure these rights are respected, protected, and fulfilled. It is important that these international instruments are used to advocate for justice, equality, and dignity for all.

Therefore, it is surprising that the Tanzanian Government continues to deny the very existence of Indigenous Peoples who are recognized and protected by international legal instruments that entail obligations to combat discrimination.

Tanzania is bound by the said treaties and protocols to enact laws that do not only recognise Indigenous Peoples but also actually protect them against all forms of discrimination.

To better understand the seriousness of the situation, there is a need for further research on incarceration of Indigenous Peoples in Tanzania. And for the actual cases, like those of the Hadza death row convicts, legal and emotional support is needed.



Share, follow and take action!



iprights.org



PINGO's Forum



**Indigenous Peoples
Rights International**

Championing Indigenous Peoples Rights