



CLARIFICATION ON THE 8 TANZANIANS ARRESTED IN KARONGA

PROFILE OF THE SUSPECTS

The eight Tanzanians¹ arrested in Karonga are a group of Environmentalists from Songea and includes members of Tanzania Mineral Miners Trust Fund (TMMTF) and Cooperants from CARITAS (a development organization under the Archdiocese of Songea working with urban and rural poor communities in the Archdiocese) as well as from MVIWATA, a peasants organization. CARITAS and TMMTF partnered to form a small consortium called Tanzania Uranium awareness mission (TUAM) -a platform for knowledge exchange and information sharing on the socio-economic and environmental impacts related to mining and extractives. Some of the suspects have previously been involved in cross-learning on abandoned and non-rehabilitated uranium and gold mines in Gauteng in the Republic of South Africa.

Commons for EcoJustice (EcoJustice)² has established that the eight Tanzanians entered Malawi legally on 19 December 2016 through the Songwe border immigration post and their passports were cleared and stamped by Malawi authorities. Prior to their departure from Songea in Tanzania, a local organization in Malawi called Karonga Business Community had formalized their cross-learning visit to the Malawi case study and sent the group necessary logistical details to necessitate their travel including an invitation letter to Malawi. Upon their arrival at Songwe border post, the group were met by Emmanuel Silungwe representing Karonga Business Community and they hired a min-bus to a Lodge (Safari lodge) some miles away within Karonga. Silungwe checked in the group at this

¹Briton Mateus Mgaya; Wakisa Elias Mwansangu; Majidi Nkota; Christandusi Ngowi; Ashura Kyula; Martin Guido Ndunguru; Wilbert Mahundi; Rainery Komba.

²Commons for EcoJustice is a not-for-profit Environmental Rights bureau established in Malawi out of a recognized need to strengthen environmental-right based approaches and to advocate for their incorporation in national sustainable development mechanisms and decision-making processes. EcoJustice has '*locus standi*' on the case and has appointed an Attorney to represent the 8 detained Tanzanians in court.

Safari lodge and as their host, he held a discussion with the group on the same day in the afternoon and discussed the tour programme. Their visit was planned to last 2 days. On 20 December 2016, these 8 Tanzanians were joined by Silungwe, a senior security guard from Kayelekera Uranium mine and a min bus driver including two other Malawians (may be guides) and left the lodge to a village in the vicinity of the mine (at that point, Silungwe and the security guard notified the visiting Tanzanians that the mine is 'not operational' / in the process of being decommissioned and therefore the tour would be restricted to the effluents outside the mining zone. But moments after leaving the lodge, Malawi Police intercepted the min-bus and ordered the group to follow them to the Karonga Police unit. It was at the Police that the 13 persons were grouped into two (one for the 8 Tanzanians and the other for the 5 Malawians). Eventually the 5 Malawians were cleared and set free while the 8 Tanzanians were put in custody for 2 nights and later appeared before Karonga magistrate court for plea but without any legal representation nor a proper translator from English to Swahili.

Charge of criminal trespassing

While it is important not to prejudice the Police investigations as the case of the 8 Tanzanians will be brought before the Karonga Magistrate court on 17 January 2017, we want to put it on record that not even criminal trespassing fits 'the bill' of their arrest. Now we know that the senior security guard for Kayelekera Uranium mine was actively involved in organizing logistics for their "cross-learning and even pocketed MK20,000 (that was paid to him in cash as allowance. The Malawi authorities have unfairly incarcerated the 8 Tanzanians only while the 5 Malawians including host local organization that played key roles in the tour and were part of the group are not been prosecuted.

Allegations of 'spying'

On 23 December the 8 suspects were transferred to Mzuzu prison on remand charged with criminal trespassing. The issue immediately went viral on the social media and now it is common knowledge the 8 are being labelled as "Tanzania spies' to monitor potential militarization of the Kayelekera Uranium mining project. The Daily Times newspaper of 30 December 2016 even gave the issue front-page coverage without soliciting views from the 'other side of the coin". In fact the article in the Daily Times newspaper has not only assassinated 'characters' of the 8 now in detention, but has potentially dragged 'ordinary individuals' into an international dispute involving neighbouring countries. The hype on 'espionage' on the social media is still raging on.

On the contrary, we have reliably established that 4 of the 8 suspects are merely Standard 7 dropouts who can hardly read and write let alone speak English nor demonstrate technical understanding of nuclear science or covert intelligence gathering operations. And one of the suspects, Ashura Kyula is an old woman in her late 60s and a peasant farmer from

Songea area who can hardly understand the charges behind her continued detention. Detectives exploited her lack of knowledge on her entitlement to social rights and administrative justice by forcing her (at Mzuzu prison) to sign an exhibit she never authored in the pretext that when she signs the exhibit (sketch of Kayelekera Uranium mine depicting production flow which was taken from the senior security guard of Kayelekera on 20 December 2016), she will walk free the next day. In our own understanding, espionage deals with the aspects and elements of 'operating undetected'. It is baffling to imagine that a country can dispatch a group of up to 8 operatives to gather classified data and still retain the element of 'not being detected' (8 spies moving together in a vehicle during daytime is unheard of). Again, covert operations are supposed to be concealed endeavours. But these 8 Tanzanians interacted with the community and their host openly and entered Malawi through normal immigration procedure. The Kayelekera Uranium mining project has been an economic liability to Malawi and issues and concerns related to Kayelekera Uranium mine have been well documented and already in the public domain³. The public needs to be informed that on the other side of the Malawi border with Tanzania, uranium mining projects similar in scope to Kayelekera are being considered for implementation. In Southern Tanzania, about 470km southwest of Dar-es-Salaam, Mkuju River uranium mining project is at an advanced stage of exploration and further exploration is being conducted at Mgombasi ward in Nangelo and Myumnati Maji villages. Virtually all the 8 suspects are members of the society in these uranium mining sites and have a stake to 'interface' with already existing projects with similar ecosystems (Kayelekera being one of the case studies sampled). The bottom line is the burden rests with the state to legally substantiate the issue of 'espionage' in the court of law.



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³www.paladinenergy.com.au/sites/default/files/15.07_Kayelekera_Project_Brochure_July_2015_1.pdf. and www.paladinenergy.com.au/paladin-africa-background etc.) on WISE Uranium Project (<http://www.wise-uranium.org/umopafr.html#MW>) and by EJOLT www.ejolt.org/tag/malawi/ www.ejolt.org/2015/02/impact-kayelekera-uranium-mine-malawi/