

**From:** Anuradha M <[amittal@oaklandinstitute.org](mailto:amittal@oaklandinstitute.org)>  
**Date:** Wednesday, November 15, 2017 at 5:04 PM  
**To:** "judi@thomsonsafaris.com" <[judi@thomsonsafaris.com](mailto:judi@thomsonsafaris.com)>  
**Cc:** Nicholas Van Brunt <[NVanBrunt@sheppardmullin.com](mailto:NVanBrunt@sheppardmullin.com)>, Matthew Ardoin <[MArdoin@sheppardmullin.com](mailto:MArdoin@sheppardmullin.com)>  
**Subject:** Re: Our call

Dear Ms. Wineland,

I am sorry that you were unable to have the call with us but appreciate your offer to send us your response in writing. Attached are some questions that build on the allegations that we shared with you earlier. We will appreciate if you can share your response with us by Wednesday, November 22, 2017.

Sincerely,

Anuradha

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1. TS website states that Judi and Rick Thomson who own Thomson Safaris and TCL, purchased the land under dispute in an open bidding process in 2006 when Tanzania Breweries Ltd. put the farm up for sale. Local villagers allege that they were using the land before TS bought it. Did TS conduct any proactive research to determine if any people were using the land before it was purchased or if there might be any conflict or claim to the land? Is this a lease for 96 years or a purchase?
2. Villagers allege that if TCL secured 10,000 acres—but then it turned into 12, 617 acres? Should the 2,617 acres be returned to the community?
3. Villagers allege that land use stipulated in the title is for Plant & Husbandry but TCL has used the land for tourism. When did the Commissioner of Lands approve land use change? Are you able and willing to share the certificate of change from the Commissioner of Lands?
4. It is alleged that TCL's connections with the government officials (DC, PM, etc.) as well as the police, have been used to intimidate or

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harass and even arrest the local villagers. This has created a climate of fear and intimidation. What is your response?

5. Has TS ever had to use wildlife dept. or police as security on its payroll? If yes, what is the protocol for their work with the company? Do they wear company uniform or police uniform, do they carry arms that are allowed to police officers?

6. Community members say that they do not want jobs, schools or wells. They want the land which they need for grazing and for water. The communities allege that they are not allowed to graze, are chased away, intimidated and their access to water resources denied, and sometimes they have even been arrested and beaten. There are also allegations that people arrested while grazing cows, were kept in jail without water and food and then only let out after they paid hefty fines. There are also allegations of villagers being shot at. What is your response? Can members of the surrounding communities bring their cattle onto the Enshiva park to use the water and land to graze?

7. It is difficult for someone who is not on the ground to know the truth. How much time do you spend on the ground in Tanzania? Do you have to depend on your local staff to verify reports of people

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arrested, beaten or bomas burnt?

8. Many villagers have referenced the burning of the bomas. Are there any settlements with homes and farms inside the farm's territory. Are the inhabitants of those bomas allowed to graze their cows and have access to the river and water, inside the park? Are the bomas still there and their properties intact?

9. What do you think the future has in store? How does Thomson Safaris plan to move forward given the protracted nature of the conflict?

**From:** "[judi@thomsonsafaris.com](mailto:judi@thomsonsafaris.com)" <[judi@thomsonsafaris.com](mailto:judi@thomsonsafaris.com)>

**Date:** Tuesday, November 21, 2017 at 3:10 PM

**To:** Anuradha M <[amittal@oaklandinstitute.org](mailto:amittal@oaklandinstitute.org)>

**Subject:** TCL responses

Dear Ms. Mittal,

The responses to your letter and attachments of requests by the community for water, schools, and empowering women.

1. **Your allegation:** In 2006, Thomson Safaris, via Tanzania Conservation Ltd (TCL), bought 12,617 acres of land in Northern Tanzania from Tanzania Breweries Ltd (TBL). This sale came under legal scrutiny in 2013 when three Maasai village councils filed a lawsuit against TBL, TCL, and three other authorities. The Communities allege that the sale of land to TCL was not valid because (i) the initial sale of the land of TBL in 1984 took place without the consent of the Maasai, and (ii) TBL abandoned the land in 1990, allowing the Maasai to regain rights to the land through adverse possession.

**Our response:** Thomson Safaris did not buy 12,617 acres of land. This was a subject of litigation in Land Case No. 26 of 2013 between Mondorosi Village Council, Sukenya Village Council and Soitsambu Village Council Versus Tanzania Breweries Limited, Tanzania Conservation Limited, Ngorongoro District Council, the Commissioner for Lands and the Attorney General at the High Court (Land Division) at Arusha. On 28<sup>th</sup> October, 2015, the court delivered its judgment on the matter through which only the claim for the 2617 acres was granted followed by an order for rectification of the Certificate of Occupancy. The Plaintiffs were aggrieved by the entire judgment such that they preferred an appeal to the Court of Appeal of Tanzania and since the matter is now pending in the Court of Appeal of Tanzania, we are constrained to restrict our response to this extent.

2. **Your allegation:** The plaintiffs allege that the original sale of land in 1984 was for 10,000 acres. They allege that in 2003, an additional 2,617 acres was added to the property, without fair compensation. They also allege that the title for the 10,000 acres of land stipulates that the land be used for plant and animal husbandry. Based on interviews with community members on the ground, we understand that an application to change the land use to tourism for the 12,617 acres in question was rejected. The communities thus argue that the land has been used illegally for tourism purposes.

**Our response:** We are not aware of any application for change of land use in respect of the land which has been rejected.

3. **Your allegation:** On October 28, 2015, the High Court of Tanzania in Arusha ruled against the three Maasai village councils on most counts. The court did agree that the additional 2,617 acres of land was unlawfully acquired, however no damages were awarded by the court. The Maasai have filed an appeal of the overall ruling.

**Our response:** The title deed reads 12,617 acres. Any changes made to the size of the land did not happen under the ownership of the land by TCL. This is the correct position regarding the appeal. The Villages as any other litigant in Tanzania have a constitutional right to appeal against a decision of any court or tribunal should they feel aggrieved.

4. **Your allegation:** Court transcripts of witness testimony and information obtained through in-person field research reveals strong allegations of abuse since Thomson Safaris and TCL obtained the land used for the Enashiva Nature Refuge. This includes allegations that Maasai community members have: had their bomas destroyed; been forcibly displaced from the disputed land; been denied access to vital grazing areas and watering holes; faces ongoing fear and intimidation; and have been subjected to physical violence (including being shot) and arrest at the hands of the police who witnesses claim were called in by Thomson Safaris employees to address issues of grazing and trespassing by the Maasai on the Enashiva Nature Refuge.

**Our response:** Thomson Safaris did not obtain the land. All these will remain allegations as the villages could not provide evidence in court to prove any of the allegations.

5. **Your allegation:** Articles published by the Guardian, VICE, and others have put forward additional allegations of abuse, including reporting instances where; young boys were beaten by police after being caught playing on Thomson Safaris Land; pregnant herds women lost their babies after violent confrontations near the disputed land; and Maasai were shot at by police while looking for grazing pastures or collecting runaway cows on the disputed land.

**Our response:** The land is not Thomson Safaris land. These are mere allegations and we reserve our right to demand for evidence to prove the same.

6. **Your allegation:** Many allegations, including bearings and harassments connected with the Enashiva site, are also found in a letter to the

Tanzania government authored by the United Nations Special Rapporteur on the rights of indigenous people, the Chair-Rapporteur of the Working Group on the use of mercenaries; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

**Our response:** We are not aware of the latter you are referring to. What we can say at the moment is that should this be the contents of the said letter, the allegations are baseless as the other allegations.

7. **Your allegation:** Several journalists and researchers examining the situation in Ngorongoro have also alleged facing harassment and intimidation, often from the local District Commissioner, and they have also alleged that individuals with close ties to Thomson Safaris reported them to the authorities.

**Our response:** we are not spokespersons for the District Commissioner in question hence we are unable to comment on the allegations directed to the District Commissioner. The allegations directed to individuals with close ties to TCL who are unknown to us are baseless.

8. **Your allegation:** The impacts of forced displacement have been significant for the Maasai. This has been caused by myriad factors, of which Thomson Safaris and the creating of the Enashiva Nature Refuge food aid, and disease. In addition, the Maasai are quickly losing their traditional way of life.

**Our response:** This is your own assumption which is unfounded.

9. **Your allegation:** Family and friends have suggested that the death of New Zealand-born photojournalist Trent Keegan in 2008, who was conducting research about Thomson Safaris, was not a result of a robbery but rather his research. We recognize that no judicial body has made such a finding and that Thomson Safaris categorically denies any involvement, and we will present both sides of that coin in any forthcoming publication on this topic.

**Our response:** We reiterate our position that Thomson Safaris has nothing to do whatsoever with the death of Trent Keegan. Please review John Bearcrofts' reply to this allegation.

We trust the above sufficiently responds to your queries. We are now headed to Tanzania and are happy to interview more community members should you need their information.

Sincerely yours,

**Judi Wineland and Rick Thomson**