



Detention without Trial, Deportation and Security among the Kuria of Tanzania, 1960s–1990s

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Abstract

During the colonial and postcolonial periods, African states, including Tanzania, introduced detention without trial and deportation of some people as a strategy for maintaining peace and security. The assumption was that detainees and deportees threatened peace in their respective areas, that their detention and deportation would bring peace and stability, and that eventually they would change their behaviour and become good citizens. To respond to this perceived threat, the colonial and postcolonial governments enacted laws at different intervals from the 1920s to the 1990s. Several people were detained and deported in Tanzania under these laws. Using archival sources, documentary review, newspapers and oral information, this article examines the extent to which detention and deportation helped to maintain peace and security as well as change the behaviours of those who were detained and deported among the Kuria in Tanzania. It argues that the detention and deportation strategy created a peaceful environment temporarily but rarely changed the behaviour of the deportees and detainees. Unlike other places where detention and deportation were used to silence political elites who opposed the existing regimes, the detention and deportation strategy among the Kuria mainly targeted notorious cattle raiders whose undertakings instigated inter-clan conflicts.

‘Tunakuweka Kizuizini kwa Usalama wako na Usalama wa Taifa’
(We detain you for your security and the security of the nation)

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Résumé

Dans les périodes coloniale et postcoloniale, les États africains, y compris la Tanzanie, ont, comme stratégie de maintien de la paix et la sécurité, introduit la détention sans procès et l'expulsion de certaines personnes. L'hypothèse était que les détenus et les expulsés menaçaient la paix dans leurs zones respectives, que leur détention et leur expulsion apporteraient la paix et la stabilité, et qu'en fin de compte ils changeraient de comportement et deviendraient de bons citoyens. Pour répondre à cette menace perçue, les gouvernements colonial et post-colonial ont, de 1920 aux années 1990, promulgué des lois. En vertu de ces lois, plusieurs personnes ont été détenues et expulsées en Tanzanie. À l'aide d'archives, de revues documentaires, de journaux et d'informations orales, cet article examine dans quelle mesure la détention et l'expulsion ont contribué au maintien de la paix et de la sécurité ainsi qu'à la modification des comportements des Kuria de Tanzanie détenus et expulsés. Il fait valoir que la stratégie de détention et d'expulsion a, temporairement, créé un environnement pacifique mais a rarement modifié le comportement des déportés et des détenus. Contrairement à d'autres endroits où la détention et l'expulsion ont été utilisées pour faire taire les élites politiques qui s'opposaient aux régimes existants, la stratégie de détention et d'expulsion des déportés du Kuria ciblait principalement des voleurs de bétail notoires dont les actions ont déclenché des conflits entre les clans.

'Tunakuweka Kizuizini kwa Usalama wako na Usalama wa Taifa'
(Nous vous détenons pour votre sécurité et pour la sécurité de la nation)

Introduction

Detention without trial and deportation of individuals is a worldwide phenomenon that has attracted the attention of various scholars. Its history can be traced to the year 1626 when the King of England, Charles I, ordered the detention of many of his subjects, especially the English elites, who were resisting his forced loan policy.¹ In 1915, during the First World War, the Turks who ruled the Ottoman Empire ordered the detention and deportation of the Armenians to an unknown remote destination. Their deportation was accompanied by the murder of Armenian military-aged men and the deaths of other Armenians, amounting to more than one million people. That event is today referred to as the Armenian genocide.² From 1943 to 1949, about 1.5 million people from minority ethnic groups – Crimean Tatars, Meskhetian and Karachays – were deported from the southern USSR to central Asia.³ In Africa, similar detention and deportation practices emerged during the colonial period as a mechanism to deal with uprisings and insurgencies.⁴ Deportation ordinances were enacted

in Tanganyika and Kenya in 1921 and 1923 respectively; they were also inherited by the postcolonial governments.⁵

Several countries in the world have adopted detention without trial, which sometimes results in the deportation of detainees. Scholars such as Elias and Conboy have classified the different detention without trial strategies practised today.⁶ Elias distinguishes three categories of detention. The first is pre-trial detention, which has been adopted in countries such as Colombia, Brazil, Denmark, France, Germany, Italy, Norway, Greece, Ireland, Spain, Turkey and the United Kingdom. The second is immigration detention, which is practised in Canada, New Zealand and South Africa among others. The third is the national security detention framework, which has been adopted by countries like Kenya, India, Mozambique, Malaysia, Nigeria, Pakistan, Russia, Singapore, Sri Lanka, Swaziland, Tanzania, Trinidad and Zambia.⁷ On the basis of Elias's classification, Tanzania's strategy can be classified as national security detention. The fact that individuals were detained for national security purposes is also clearly amplified in the Tanzania Preventive Detention Act, 1962.⁸ This might be the main reason why Tanzanian detainees were told, '*Tunakuweka Kizuizini kwa Usalama Wako na Usalama wa Taifa*', translated as "We detain you for your security and the security of the nation". However, Tanzania also practises pre-trial detention, whereby some individuals, depending on the nature of their cases, are held in custody while they are waiting for the hearing and judgment of their cases.

While a growing number of governments in the world have enacted detention and deportation laws to maintain peace in their respective countries, there is a dearth in the literature as to the extent to which these laws have resolved the problem of insecurity, instability and development in the areas. Studies on detention and deportation which have so far been conducted are lopsided in two ways. Firstly, they have concentrated more on the inadequacies of the laws to execute justice and maintain human rights as stipulated in various regional and international covenants. Secondly, they have concentrated on national and international levels, and ignored analysis at local levels where such practices and impacts are highly felt.⁹ Using archival sources, documentary review, newspapers and oral information, this article examines detention and deportation practices at local levels among the Kuria of Tanzania.

One of the issues recorded as threatening peace and security among the Kuria was cattle raiding. The history of cattle raiding among the Kuria has been extensively documented and discussed by various scholars.¹⁰ Cattle raiding among the Kuria can be divided into two major categories, non-

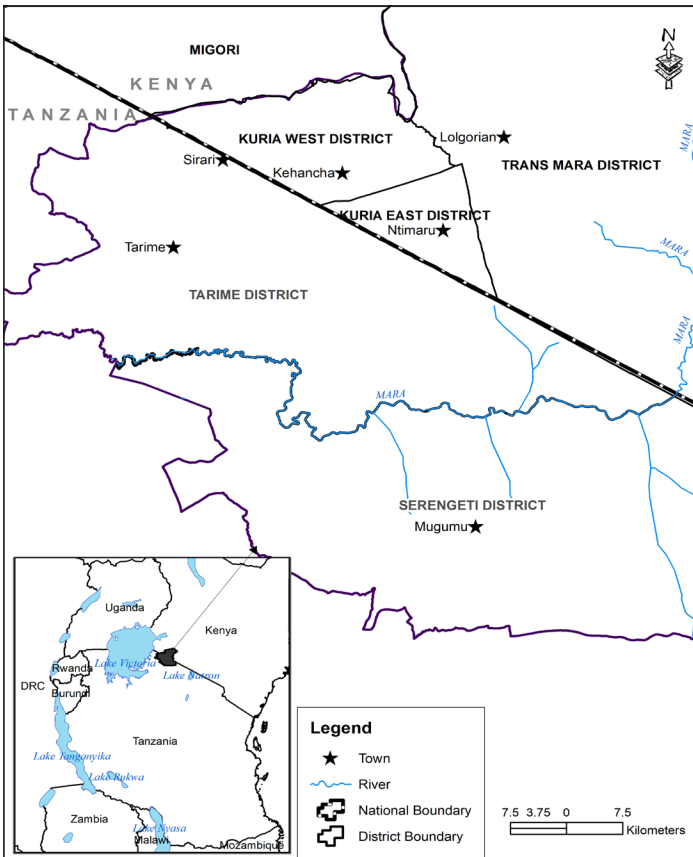
violent and violent raiding. Non-violent raiding was done during the night when cattle were already enclosed in the cattle kraal and owners had fallen into sleep. Raiders would open the cattle kraal and go off with the cattle without being noticed until the morning when the owner found that his cattle had been stolen. This kind of theft was predominant in the pre-colonial and colonial periods and was mainly organised by Kuria warriors called *Abamura*. In violent raiding, raiders who were armed with military weapons ambushed cattle owners and took their cattle in broad daylight or before cattle owners had gone to bed. This kind of raiding began in the 1950s but was more intensified in the 1980s when assault weapons such as machine guns and AK-47s began to be widely used by raiders. However, violent and non-violent raiding co-existed.¹¹ Since detention and deportation among the Kuria targeted cattle raiders, this article examines the extent to which such practices helped maintain peace and security among the Kuria community of Tanzania from the 1960s to the 1990s. It also investigates the extent to which detention and deportation changed the behaviour of those who were detained. The article argues that the detention and deportation strategy created a peaceful environment among the Kuria only temporarily but rarely changed the behaviour of the Kuria cattle raiders who were deported and detained.

The Kuria people live across the Tanzania–Kenya border. However, the majority of them live in the eastern part of Lake Victoria in Tarime and Serengeti Districts in Mara Region, which is located in the northern part of Tanzania. The region borders the southern part of Kenya, where the Kuria inhabit the districts of Kuria East and Kuria West, which are found in Migory County (see Map). This article focuses on the Kuria of Tanzania because research on the theme under discussion could not generate sufficient information about the Kuria of Kenya. The Kuria of Tanzania first experienced colonial influences in the early 1890s. The Germans made an economic and geographical survey of the northern interior of Tanganyika including Kuria land from 1891 to 1892. In 1898, the Germans established a station at Shirati in North-Mara District. Shirati became the headquarters of the District in 1902. In 1903, the Germans established another station at Ikoma in what is today Serengeti District. After the First World War, the British ruled Tanganyika from 1919 to 1961 when it attained independence. North-Mara was renamed Tarime District in 1963.¹²

Detention and Deportation History Among the Kuria

In Tanzania, detention and deportation began in 1897 when the Germans introduced preventive detention under Section 77 of the Native Courts Regulation.¹³ The law empowered the commissioner of the protectorate to detain anybody whom he believed represented a threat to the protectorate.

In 1921 and 1923, the British introduced deportation ordinances in Tanganyika and Kenya respectively.¹⁴ The deportation ordinances empowered the governor to detain anybody and deport him/her from one part of the territory to another if he was satisfied that the conduct of such a person threatened the territory’s peace and good order. The Deportation Ordinance of 1921 was followed by another law, which is called the Expulsion of Undesirable Persons Ordinance of 1930. The expulsion ordinance also empowered the governor of Tanganyika to expel any person who was deemed to be undesirable in connection to public good and moral conduct.¹⁵ The expulsion of undesirable persons also involved the detention of expellees while waiting for the completion of the expulsion procedure.



Map: Location of Tarime, Serengeti, Kuria West and Kuria East Districts
Source: Author in collaboration with the GIS Laboratory Scientist, Institute of Resource Assessment, University of Dar es Salaam, 2019.

The British colonial government used the ordinances as a weapon to curb African resistance and actions it deemed as criminal or anti-social. Many people, including local chiefs, whom the government thought were threatening peace and the survival of the colonial government, were detained and deported. For example, Ziota Humbi, an ex-chief of Usongo in Nzega, was detained and then deported to Kilwa in 1923 for political reasons. Some were targeted because of ritual and medical practices deemed criminal by the colonial state. Amri Makwera was deported from Kilosa to Tabora in 1957 for witchcraft. Makwera was believed to be a popular local medicine man who attracted many clients.¹⁶

Perhaps, the largest numbers of people affected by these ordinances were those whose activities were considered criminal and anti-social. In 1931, one person was deported from Dodoma to Morogoro after he had been convicted of cattle theft.¹⁷ In 1934, a 15-year-old Somali boy called Ahmed Suliban, who was staying with his father in Tanga, was repatriated from Tanga to Somaliland because he had been convicted of theft several times. It was later found that Ahmed had become a hardened criminal while in detention in Somaliland. Ahmed was thus deported back to Tanga.¹⁸ In 1946, the Chief Secretary in Zanzibar wrote to the Chief Secretary in Tanganyika informing him about their intention to deport Mtoka bin Said whose age was estimated to be between 15 and 18 years, to Tanganyika. Mtoka was convicted at the Resident Magistrate's Court in Zanzibar on 11 October 1946 for committing a felony; he was thereafter sentenced to two months imprisonment. But during his stay in Zanzibar, Mtoka became a hardened criminal; that is why the Chief Secretary in Zanzibar wanted to deport him. Immediately after being released from prison, Mtoka was deported to Buguruni in Dar es Salaam, Tanganyika. But Mtoka's criminal conduct never changed even after he had lived in Buguruni for a while.¹⁹ From 1934 to the 1940s, some individuals were detained and deported as destitute natives who were not required in certain parts of the territory, especially in urban areas.²⁰ Although there is sufficient evidence of the detention and deportation of people during the colonial period, records on the detention and deportation of the Kuria in Tanzania during the colonial period are scant. Only a few Kuria were deported from Kehancha in Kenya in 1950 to Mombasa after they had refused to leave their areas which were proclaimed by the British colonial government.²¹

Most of the detention and deportation of the Kuria in Tanzania was done in the postcolonial period, specifically from the 1960s to the 1980s. Unlike other parts of Tanzania where the practice targeted opponents of the existing government, only experienced Kuria cattle raiders, whose

undertakings instigated inter-clan conflicts and affected the security of Mara Region, were detained and deported. Nyamaganya, who is frequently mentioned in Tarime Kuria narratives, seemed to be one exception to this pattern. He was detained briefly in the 1960s. Nyamaganya was accused of opposing Nyerere's government and wanting the Kuria to form their own territory. It was alleged that Nyamaganya lowered the Tanzania national flag in his area and raised his own flag made of leopard skin.²² Other people who were detained and deported for political reasons in postcolonial Tanzania included Chief Hussein M. Makwaia and his brother David Kidaha Makwaia; they were deported in 1962 from Shinyanga to Chunya and Tunduru respectively. Like Nyamaganya, Chief Hussein Makwaia and his brother were accused of opposing the newly independent Tanganyika government.²³ Christopher Kassanga Tumbo, President of an opposition party called the People's Democratic Party (PDP), was detained in 1962. Kassim Hanga, the Vice-president of Zanzibar, Eli Anangisyse, a member of parliament in mainland Tanzania, Abdulrahman Mohamed Babu, a minister in the United Republic of Tanzania, and Sheikh Muhammad Nassor Abdulla suffered similar fates. Sheikh Abdullah was arrested at his home at Mabibo in Dar es Salaam and later deported to Zanzibar in 1983.²⁴

The exact names and number of the Kuria who were detained and deported from Mara Region to the southern region of Tanzania in the period from the 1960s to the 1980s are unknown. But evidence shows that thousands of Kuria cattle raiders were first arrested, then detained in various prisons in the regions of Mara and Mwanza, and later deported to Lindi, Mtwara and Ruvuma, where the government had designated special detention camps.²⁵ Issa Nyaisa Chacha, for example, estimated that a range of 240 to 320 Kuria cattle raiders were detained and deported from Ingwe Division in Tarime District alone in 1967.²⁶ In 1982, the Department of Criminal Investigation in Mara Region submitted a list of more than 400 Kuria raiders to the Mara Regional Commissioner for further action of deportations. One of the leaders of the Department of Criminal Investigation reported that the majority of the raiders were Kuria from Tarime District.²⁷ In 1983, about 876 chronic cattle raiders were detained without conviction in various prisons in Mara and Mwanza and were awaiting deportation to the southern regions. Out of those 876 detainees, 65 were first deported to the southern region on 26 December 1983 and 76 detainees were deported to southern regions on 28 December 1983. The remaining number continued to be under detention as they awaited further transport arrangements.²⁸ A report by the Tanzania Law Reform Commission also indicates that 155 Kuria raiders were detained on 29 February 1987, as they waited for deportation from Mara to Lindi.²⁹

It seems the detention and deportation of raiders was a common practice not only in Mara Region but also in other parts of the country. For example, in 1964, 54 people were detained in Kasulu for persistent cattle raiding and endangering peace in the area.³⁰ David William also indicated that the Preventive Detention and Deportation Acts were used in Tanzania to deal with cattle raiders and users of illicit, local liquor, commonly called '*gongo*' in Kiswahili. According to David William, the government used laws to deal with cattle raiders after it had effectively finished dealing with the politicians who had been opposing the government.³¹ During parliamentary debate on the amendment of the Deportation Ordinance in 1991, some members of parliament said that the existing ordinance was also used to deal with habitual offenders such as cattle raiders. Some of them mentioned that the Deportation Amendment Bill, which had been tabled in parliament, did not define whether it was meant for habitual offenders such as cattle raiders or was meant for other offenders including '*gongo*' drinkers.³²

The detention and deportation of Kuria cattle raiders was done in accordance with the provision of the existing laws. These laws had been enacted before Tanganyika's independence in 1961. The Deportation Ordinance of 1921 and the Expulsion of Undesirable Persons Ordinance of 1930 were inherited after independence and continued to be in force until they were amended in 1991. In addition to these ordinances, the government also enacted the Preventive Detention Act in 1962, the Area Commissioners Act of 1962, the Regional and District Commissioners Act of 1962, the National Security Act of 1970, and the Economic Sabotage Act of 1983.³³

At the surface level, these laws were designed to safeguard the country's peace, good order and security. For instance, Section two of the Deportation Ordinance empowered the president to deport any person from one part of the country to another and restrict him or her to that place of deportation if he was satisfied that the person was dangerous to peace and good order in any part of Tanzania, or was endeavouring to excite enmity between the people of the United Republic or against the government. Whilst awaiting deportation, the person could be detained in custody or prison as provided for in Section five of the Act of 1921 as amended in 1985.³⁴ In a similar vein, Section two of the Preventive Detention Act also empowered the president to detain a person who in his opinion was a threat to the peace and security of the state. According to the provision of that section, detention would take place after the president had issued an order in his own handwriting and under the public seal directing the detention of such a person.³⁵ The Area and Regional Commissioners' Act also authorised Area and Regional Commissioners to arrest any person and put him under custody when they were dissatisfied with the conduct of such people as far as peace was concerned.

Cattle raiding has been the main cause of conflicts and insecurity among the Kuria. Thus, any action that could be taken to minimise cattle raiding would lead to the enhancement of peace and security in the area. As we have seen in the foregoing narratives, the legal documents mentioned empowered the president and other government officials to deal with individuals who threatened peace or caused enmity among members of the general public in any part of the United Republic of Tanzania. In the case of the Kuria community, such culprits were cattle raiders.

However, the ways through which cattle raiders in Mara Region were arrested and detained did not conform to the provision of the Acts. Section 2(1) of the Preventive Detention Act of 1962 states that detention will take place after the president has issued an order in his own handwriting and under the public seal directing the detention of such a person.³⁶ Contrary to that provision, Kuria cattle raiders were arrested and detained promptly after they had been denounced at public village meetings. Sometimes, village government officials were directed to prepare lists of notorious raiders known in their area and submit the lists to the District and Regional Commissioners' Offices. After the submission of lists, arrests and detentions would follow even before the president had issued a handwritten order to do so.

In certain circumstances, arrest and detention took place immediately after the president or Regional and District Commissioners had provided a verbal order. Examples of detention by verbal order include one which was done at Nyamwaga in Tarime District on 5 January 1967 when President Julius K. Nyerere was addressing a public meeting. On that day, some of the elders who had attended the meeting vigorously questioned the authority and power of Nyerere on the grounds that his government had failed to defend them against the threats and insecurity caused by cattle raiders. After this accusation, Nyerere called upon local government leaders to respond to the accusation. The local leaders who were at the meeting did not respond except Issa Nyaisa Chacha who, by then, was the Nyamwaga Ward Executive Officer. He courageously stood up and submitted to Nyerere a list of about 48 troublesome cattle raiders from his area. The raiders were promptly arrested. On the same day, Issa Nyaisa Chacha was provided a gun by President Nyerere so that he could use it for his own defence against cattle raiders who were looking at him threateningly. Another arrest and detention of that kind also occurred in Kasulu on 6 October 1964 when President Nyerere was addressing a public meeting there.³⁷

The Tanzania Law Reform Commission concluded that the detention and deportation practices violated the provision of the Acts. The commission criticised the procedures used in arresting and detaining deportees, arguing

that it was common practice for the police to detain a person and then seek a detention order from the president. It also noted that the police took too long, up to a year, to finalise deportation formalities once a deportee was already in their custody. The commission further observed that the Preventive Detention Act and the Deportation Act were constantly abused by Regional and District Commissioners as well as by the police. Finally, the commission concluded that the Preventive Detention Act and the Deportation Act together with all actions which were done under the guidance of these Acts were unconstitutional as they infringed the liberty of individuals as provided for in Articles 13, 15 and 17 of the Constitution of the United Republic of Tanzania.³⁸

The commission's criticism of the procedures used to arrest and detain deportees is undoubtedly valid. The fact that Kuria cattle raiders who were detained and deported were, in most cases, denounced by some villagers and, sometimes, listed by government officials and finally detained without trial raises several questions with respect to the execution of justice towards individuals. Some villagers and government officials might have listed people whom they had personal grievances towards rather than being cattle raiders. In this regard, the commission's conclusion that detention and deportation practices infringed individuals' liberty, specifically the right to be heard before the court, can be affirmed. However, I do not support David William's argument that the Preventive Detention Act was used to deal with cattle raiders after it had effectively finished dealing with politicians who opposed the new independent government.³⁹ The Preventive Detention Act and the Deportation Act were used to deal with cattle raiders in the early 1960s and even during the 1980s were still used to deal with political opponents. Although there is no direct evidence to justify that there were political detainees and deportees among the Kuria, the way Kuria cattle raiders were listed and finally deported suggests that some of them might not have been raiders per se but rather opponents of government officials. This can be substantiated with the fact that no legal procedure was done to distil real cattle raiders from those who were not.

Maintaining Security through Detention and Deportation

The rationale for the government's enactment of the Detention and Deportation Acts was to ensure peace and security and that those who endangered peace and security should be curbed to reduce enmity between individuals. The practitioners of detention and deportation assumed that the detention camps would be sites for changing the behaviour of deportees, and that they would eventually become good, well-behaved citizens. The

main question here is the following: To what extent did detention and deportation succeed in creating peace and security among the Kuria?

From the initial stage of the enactment of the detention and deportation laws to the stage of their implementation, there were two major contending views as far as the relevance and effectiveness of the Acts in maintaining peace and security were concerned. When the bill which instituted the Preventive Detention Act was presented in the National Assembly on 26 September 1962, members of the National Assembly were divided into two major camps – one supporting the bill and the other opposing it. Those who opposed the bill argued that it was designed to prevent those who could question the activities of the government. According to this group, the bill had nothing to do with maintaining the security of the nation, but rather it was aimed at safeguarding the interest of those who were in power. Those who supported the bill argued that it could maintain peace and security in the nation because it was aimed at preventing chaos and that those who could be affected were few, especially those who relied on undemocratic means of achieving what they wanted.⁴⁰

During the workshops and public meetings organised by the Tanzania Law Reform Commission in the early 1990s, participants also expressed two divergent views. One view, which was supported by a minority, stressed that the Detention and Deportation Acts gave enormous power to the president and could limit the freedom of other citizens and undermine national development. This group said that the Acts should be abolished. But the majority of the participants in the workshop argued that the Detention and Deportation Acts were still relevant and vital, since they were concerned with defending national security.⁴¹ It could be argued that the majority acknowledged that the Detention and Deportation Acts were really working towards maintaining peace in the areas from which deportees were taken.

However, the analysis of the historical record indicates that detention and deportation instituted peace only temporarily, and that they rarely changed the behaviour of those who were deported and detained. From an administrative perspective, detention and deportation worked significantly. The Minutes of the Meetings of North Mara Council indicate that, throughout the 1960s, members of the council were unanimously insisting on detaining and deporting cattle raiders so as to restore peace and security in their area.⁴² In 1964, when Julius Nyerere addressed a public gathering in Kasulu, he insisted that any person who threatened peace and security would be detained regardless of his position.⁴³ On 13 November 1989, the Bunda Ward Development Committee in Bunda District, Mara Region recommended the deportation of three people because of their engagement

in cattle raiding.⁴⁴ Issa Nyaisa Chacha, a government leader from 1957 to 1982, insisted that detention and deportation helped to maintain peace and security. Nyaisa was of the opinion that the system should be reinstated in the country.⁴⁵ In the 1990s, the Tarime District Commissioner also circulated plans for arresting and exiling suspected cattle raiders to end cattle raiding and restore peace in the district.⁴⁶ These examples show that government officials, both in the colonial and postcolonial periods, believed in the practice and that it would help maintain peace. It was this belief that made the practitioners of detention and deportation stress repeatedly that 'detainees were detained for their security and the security of the nation'.

However, the evidence available shows that detention and deportation could not create sustainable peace and security among the Kuria, nor could it change the behaviour of detainees. Oral testimony from Kiraryo Chacha Kiraryo demonstrates this fact. Kiraryo was one of several Kuria people who were detained without trial in 1982 in Serengeti District in Mara Region and deported to Ruvuma Region, at the Liwangula camp. Kiraryo indicated that until their release in 1984, they were not engaged in any productive activity or trained to do anything. They were supplied with food and clothes by the government. They had access to the media as they were given radios so that they could listen to what was happening in other parts of the country. In Kiraryo's view, it was costly on the part of the government to take care of them. Their release was also the result of a series of strikes and boycotts expressing their dissatisfaction with their detention and deportation. Strikes and boycotts at the camp started after Kiraryo and other detainees had heard on the radio that the Maasai attacked the Sukuma people in Kwimba District, confiscated their cattle and killed about 60 Sukuma people. The detainees at Liwangula started questioning their detention for cattle raiding when those Maasai were not detained for stealing cattle and killing many people. They argued that Prime Minister Edward Moringe Sokoine, who had ordered their detention, was favouring members of his own ethnic group, the Maasai. They wrote to President Nyerere, who finally released them.⁴⁷

After the release of the detainees from the Liwangula camp at the end of 1984, a serious inter-clan war began in Serengeti in early 1985 and continued up to 1986. The war was between the Nyabasi and Kira clans. Kiraryo Chacha Kiraryo and other detainees who had been released from detention in 1984 joined their clansmen to fight the war. Some of the detainees who had been released were said to have actively participated in planning the war.⁴⁸ On 26 December 1985 the prime minister, Joseph Sinde Warioba, visited Serengeti District and addressed a public rally at

Mugumu. The community told him that cattle theft was endangering security in their area and that the government had not yet managed to curb cattle theft.⁴⁹ On 30 April 1986, the inhabitants of Gibaso village of Tarime District reportedly killed 37 inhabitants of Bujanchari village in Ngoreme Division in Serengeti District. Those who were killed in that battle had been looking for their cattle which had been stolen by the inhabitants of Gibaso.⁵⁰ On 21 February 1989, one citizen from Ngoreme in Serengeti District published an open letter in the *Uhuru Newspaper*, reporting that cattle raiding threatened their survival and security and that there was not yet any solution to the problem. The writer mentioned that cattle raiders were murdering people and openly walking in the villages, holding their guns and praising themselves. Because of that situation, the inhabitants of Ngoreme feared leaving their homes and even going to their farms. The writer pointed out that the government had failed to deal with the growing rate of cattle raiding and maintain security in their area.⁵¹

During a focus group discussion (FGD) held in Magena village in Tarime District on 29 September 2018, the participants stated that the detention and deportation of cattle raiders did not help end the problem of cattle raiding, nor did it help bring sustainable peace and security to their areas. They also mentioned that the practice could not change the behaviour of those who were detained. Several examples were given to illustrate the failure of the system. One of the examples was the way Nyamhanga Itembe of Butimbaru in Tarime District behaved after being released from detention. It was reported that cattle raiding intensified after the arrival of those who had been detained. Nyamhanga Itembe was reported to have mobilised a gang of raiders who raided cattle in several places in Tarime District. Sometimes, he openly said, there was no need for him to hide and organise cattle raiding because he was already publicly known to be a raider. According to the testimony given by the FGD participants, the detainees and deportees who arrived in Tarime said that the government had rationalised their cattle raiding after they denounced them publicly, detained and deported them, and thereafter released them back to their communities. Every time Nyamhanga was seen passing in any village suburbs, the villagers believed that he was surveying their areas and planning to steal their cattle. A few days after the survey, cattle raiding would be reported from the area. Nyamhanga's conduct after his release from detention caused so much fear among the community that they nicknamed him 'Kinsonke', a Kuria term which signifies exclamation and can literally be translated as 'what kind of people is this'.⁵²

The detention and deportation strategy did not succeed in eradicating cattle theft as it was intended by various Acts. The Acts explicitly stated that detention and deportation were aimed at curbing individuals whose conduct threatened peace and security, and could excite enmity between peoples of the United Republic of Tanzania; but enmity between different Kuria clans intensified despite the detention operations. Thus, several measures were taken to address the problem. The measures included organising military and police operations, reliance on traditional leaders and the establishment of village vigilantism institutions, commonly called '*ritongo*' or '*sungusungu*' by the local people. In early 1987, Nyerere acknowledged that traditional leaders had played a big role in combating cattle theft and restoring peace to Tarime District.⁵³

Conclusion

Detention and deportation practices had far-reaching outcomes among the Kuria of Tanzania. The practices started in the 1920s, but were intensified among the Kuria from the 1960s to the 1980s. Unlike in other parts of Tanzania where detention and deportation targeted political activists and opponents of the government, in Ukuria the practices targeted notorious cattle raiders and, in most cases, people were arrested before the president issued a written order as the Detention and Deportation Acts required. While cattle theft seemed to be an ongoing phenomenon among the Kuria, detention and deportation were done in such a piecemeal fashion that they could not keep up with the pace of the crimes.

Detention and deportation practices could not eradicate cattle raiders, who, according to the provisions of Section two of the Acts, were considered to be among the individuals whose conduct could endanger peace and security, or cause enmity between members of the general public. The aim of government officials to create peace and change the behaviour of Kuria detainees was also not attained. Detention seemed to have made the detainees more proficient in the activities for which they had been detained. Sometimes, the supporters of those who were detained would continue to fight for the release of the detainees or engage in movements which perpetuated activities forbidden by the Detention and Deportation Acts. For example, in 1987, when 155 Kuria people were under detention in Mara Region waiting for deportation to Lindi Region, knowing that his father was one of the detainees, Chumchua Marwa filed a case on behalf of the detainees. The case caused a debate between the High Court and the Court of Appeal over whether their detention was unconstitutional or not, and whether it violated individual rights of being heard before incarceration or not. There is no clear information on whether the detainees were acquitted or not.⁵⁴

Several of the laws, which authorised the detention and deportation of individuals, were enacted in the postcolonial period but have been frequently criticised for violating the Constitution of the United Republic of Tanzania. This implies that the process of formulating the Acts did not take into consideration the provisions of the constitution and the contradictions embedded in other existing laws. Although the Acts which authorised detention and deportation were discussed in parliament before they were officially approved and implemented, the way they were implemented among the Kuria would suggest that they were deliberately designed in favour of government officials. Consequently, there was much injustice caused by leaders' misdemeanours.

Notes

1. Masoud Zaman, 'Detention Without Trial: Historical Evolution, States' Authority and International Law', PhD Thesis, University of Nottingham, 2015, p. 26.
2. Ugur Umit Ungor, 'The Armenian Genocide, 1915'.
3. Kirsten Benites, 'Repatriation of ethnic groups', *Human Rights and Human Welfare: An Online Journal of Academic Literature Review*.
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