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## “As Long as I am Quiet, I am Safe”

Threats to Independent Media and Civil Society in Tanzania

# **“As Long as I am Quiet, I am Safe”**

Threats to Independent Media and Civil Society in Tanzania

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## “As long as I am quiet, I am safe”

### Threats to Independent Media and Civil Society in Tanzania

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## Summary

Since President John Magufuli came to power in 2015, Tanzania has seen a sharp backslide in respect for basic freedoms of association and expression, undermining both media freedoms and civil society. While some restrictive trends may have predated his term, they have intensified since he became president.

Authorities have passed new legislation and enforced existing laws that repress independent reporting and restrict the work of media, nongovernmental organizations (NGOs) and political opposition groups. The president and other high-level officials have made hostile statements about rights issues, at times followed by enforcement actions cracking down on individuals and organizations seen as being critical of government policy.

Authorities have censored and suspended newspapers and radio stations, arbitrarily deregistered NGOs, and have not conducted credible investigations into abductions, attempts on the lives of journalists and opposition figures. The government has arbitrarily arrested and, in some cases, brought harassing prosecutions against journalists, activists, and opposition politicians, perceived to be government critics.

Based on interviews with 80 people in July to September 2018, and in January 2019, this report documents these restrictions and abuses in both mainland Tanzania and the semi-autonomous island archipelago of Zanzibar, where Human Rights Watch researchers found a similarly repressive environment. Interviewees included reporters, newspaper editors and staff of NGOs in Dar es Salaam, Zanzibar, Arusha, Ilindi and Mwanza.

Over the past five years, the Tanzanian government has either enacted or begun to actively enforce repressive laws that undermine independent media, political opposition and civil society. These include the 2015 Cybercrimes Act, which restricts free expression online; the 2015 Statistics Act, which, until its amendment in June 2019, criminalized publishing statistics without government approval and blocked the publication and dissemination of independent research; 2018 regulations to the Electronic and Postal Communications Act that subject bloggers to excessive licensing fees; and the 2016 Media Services Act, which gives government agencies broad power to censor and limit the independence of the media by creating stringent rules for

journalists accreditation and creating offenses and oversight powers that are open to abuse by the government. The government adopted new regulations in 2018 requiring NGOs to publicly declare their sources of funds, expenditures and intended activities or face deregistration. In addition, the 2002 Political Parties Act was amended in 2019 to restrict the space in which political parties can independently operate in Tanzania.

Authorities have stepped up censorship of the media. The Ministry of Information, Culture, Arts and Sports has shut down radio stations and newspapers and suspended live transmissions of parliamentary debates. In one case, the Tanzania Communications Regulatory Authority fined television stations for covering an NGO press conference critical of the government, and in another case a government official accompanied by armed security officers raided a television station.

The government has used the Cybercrimes Act to harass opposition politicians, journalists and activists, while police have arbitrarily arrested, and in some cases, beaten journalists as they covered events. Police have also arrested two journalists engaged in investigative reporting on government policy. Authorities have not adequately investigated the abduction of two other journalists, one of whom remains missing at the time of writing.

The government, through the NGO registrar, has exerted more control over NGOs by increasing bureaucratic requirements for NGOs and threatening to deregister them for non-compliance. All NGOs are now required to publicly disclose financial information and submit extensive registration documentation. Government officials have also threatened NGOs with deregistration over specific activities, for example, for challenging the president's statements or for promoting LGBT rights. The NGO Coordination Board, under the Ministry of Health, Community Development, Gender, Elderly and Children, has deregistered three NGOs, for what it deemed to be violations of Tanzanian ethics and culture.

Police have raided events organized by groups working on protecting the rights of lesbian, gay, bisexual and transgender (LGBT) people, arbitrarily arresting individuals, and in one case detaining them for nine days, and deporting foreign participants. In some cases, after national or international researchers conducted research in Tanzania, the Commission on Science and Technology (COSTECH) retroactively asked them to obtain permits.

Government officials have sent threatening letters to or verbally warned Tanzanian NGO representatives against conducting activities. Regional and district commissioners have also subjected NGOs to restrictions on where they can carry out activities. Authorities have not adequately investigated bombings of two law offices. Immigration authorities, within the Ministry of Home Affairs, have raised questions about the nationality of those perceived to be government critics to both frustrate and silence them, in several cases, summoning individuals for questioning or seizing passports.

Political opposition parties in Tanzania have also faced various restrictions. In 2016 President Magufuli announced that elected politicians could not hold political rallies and meetings outside their constituencies, limiting the geographic area in which opposition parties could hold events. Since 2016, the government has arrested and charged several opposition party members for criticizing the government or the president. In September 2017, unknown assailants shot opposition parliamentarian Tundu Lissu, a prominent critic of Magufuli's government, outside his home in the capital Dodoma. Immediately after the shooting, the government said it was investigating this assassination attempt, although there has been no arrest at time of writing. Within a fortnight in early 2018, unknown assailants killed Daniel John and Godfrey Luena, officials of the main opposition party Chadema.

The impact of repression is far-reaching, effectively silencing organizations promoting rights to health, women's rights, children's rights, access to education, LGBT rights and the rights of persons with disabilities, as well as those working on land, extractive industries, and electoral reforms. This report finds that the media are not covering the activities of these groups or the restrictions placed on them, for fear of government reprisals.

The Tanzanian government is obligated under its constitution and international and regional treaties to respect the rights to freedom of expression and association of all persons, including members of the media, civil society, and the political opposition. These rights are also essential to the exercise of the right to vote.

With just months to go before local government and general elections, scheduled for late 2019 and 2020 respectively, the government of Tanzania should do more to create conditions for a free and fair vote. This includes demonstrated commitment to the rights of freedoms of expression and association enshrined in the constitution and international and regional human rights treaties to which Tanzania is a party.

President Magufuli and other government officials should refrain from public rhetoric hostile to human rights issues and take proactive measures to reverse the patterns of repression that have caused Tanzanian civic space to close in recent years. Authorities should put a stop to arbitrary arrests, detention, and harassment of activists, staff of NGOs, and journalists, and embark on a range of reforms of repressive laws to proactively ease these chilling restrictions on civil society.

# Recommendations

## To the President of Tanzania

- Issue a clear and public statement to all government officials condemning and calling on them not to commit any intimidation, obstruction, threats, beatings, arbitrary arrests, harassment or prosecution of journalists, activists, representatives of NGOs, and political opposition members.
- Publicly condemn reports of violence against journalists, representatives of NGOs, and political opposition members.
- Take steps to ensure the credible and effective investigation of abuses against journalists, activists, representatives of nongovernmental organizations, and opposition politicians.
- Direct regional and district commissioners to refrain from arbitrary arrests and restrictions on the movement of representatives of NGOs, which limit their access to people residing within their jurisdictions.
- Direct the Immigration Department under the Ministry of Home Affairs to stop harassing representatives of NGOs and other activists through investigations into their citizenship.
- Direct the Ministry of Home Affairs to stop threatening punitive measures, including deregistration or deportation, against NGOs or their representatives, in retaliation for expressing positions divergent from those of the government, including regarding the rights of pregnant girls and the rights of LGBT people.

## To the Directorate of Public Prosecutions and the Tanzania Police Force

- Effectively investigate and discipline or prosecute, as appropriate, government officials implicated in abuses of journalists, activists, NGO representatives, and opposition politicians.
- Effectively investigate and prosecute, as appropriate, individuals responsible for violence directed at journalists, activists, representatives of NGOs, and opposition politicians. This includes credibly investigating the abduction of Azory Gwanda, the shooting of Tundu Lissu, and the killings of opposition party members Daniel John and Godfrey Luena.
- Respect the rights of activists and NGOs to organize and hold meetings and carry out other activities.

## **To the Parliament of Tanzania**

- Repeal or amend repressive sections of the Media Services Act, in accordance with the decision of the East African Court of Justice, the Cybercrimes Act, and the Electronic and Postal Communications (Online Content) Regulations.

## **To the Director of NGO Coordination under the Ministry of Health, Community Development, Gender, Elderly and Children**

- Issue guidance to regional commissioners and district commissioners, to refrain from blocking NGOs from accessing their regions or districts and take other measures to ensure a conducive environment for nongovernmental organizations operating in Tanzania.
- Direct the NGO Coordination Board to review its April 2019 decision to deregister three NGOs for violating Tanzanian law, ethics and culture.

## **To the Ministry of Home Affairs**

- Stop harassing representatives of NGOs and other activists through investigations into citizenship.
- Stop threatening punitive measures, including deregistration and deportation, against nongovernmental organizations or their representatives in retaliation for expressing positions divergent from the government's, including on the rights of pregnant girls and the rights of LGBT people.

## **To the Ministry of Foreign Affairs and East African Cooperation**

- Issue a standing invitation to the United Nations special rapporteurs on rights to freedom of expression, to peaceful assembly and association, the right to education, the situation of human rights defenders, the Working Group on the issue of discrimination against women in law and in practice, as well as the African Commission on Human and Peoples' Rights rapporteurs on freedom of expression and access to information, human rights defenders, and the rights of women, and the chair of the Committee on the Protection of the Rights of People Living With HIV to conduct on-site visits in Tanzania to assess the state of protection of human rights.

## **To the East African Community Member States**

- Urge the Tanzanian government to fulfill its mandate to respect human rights under article 6 of the Treaty for the Establishment of the East African Community.

## **To the African Commission on Human and Peoples' Rights**

- Undertake a fact-finding mission to investigate human rights abuses, including repression and censorship, especially in light of the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information in Africa.
- Request visits to Tanzania by special rapporteurs on freedom of expression and access to information, rights of women, and human rights defenders, as well as the chair of the Committee on the Protection of the Rights of People Living with HIV.

## **To UN Human Rights Council Member and Observer States**

- Deliver statements, both jointly and individually, and engage in bilateral démarches, to address the ongoing deterioration of the human rights situation in Tanzania.
- Urge Tanzania to receive visits by UN Special Procedures mandate holders.

## **To the UN Special Procedures**

- Request visits by special rapporteurs on rights to freedom of expression, to peaceful assembly and association, the right to education, and the situation of human rights defenders, and by the working group on the issue of discrimination against women in law and in practice.

## **To the Office of the High Commissioner for Human Rights**

- Urge the Human Rights Council to fulfill its mandate to respond to human rights violations in Tanzania, including gross and systematic violations, as set down in paragraph 3 of UN General Assembly resolution 60/251.
- Provide technical assistance for review of laws and regulations to ensure conformity with international rights standards.

## **To the European Union and its member states**

- Publicly speak out, both bilaterally and in international fora, and in close coordination with likeminded countries and with members of the African Union, on the need for Tanzania to respect its regional and international obligations on free expression, free association and other fundamental freedoms, and to amend or repeal all abusive legislation, including the

Media Services Act, the Cybercrimes Act, and the Electronic and Postal Communications (Online Content) Regulations.

- Urge the Tanzanian government to protect the rights of journalists, activists, political opposition and other civil society actors to free expression and association to ensure full implementation of the European Union’s guidelines on human rights defenders and on freedom of expression, taking all appropriate action as required.
- Resume the political dialogue with the Tanzanian authorities pursuant to article 8 of the “Partnership Agreement between the Members of the African, Caribbean and Pacific Group of states of the one part and the European Community and its member states of the other part” (“Cotonou Agreement”), addressing human rights violations as a matter of priority, and reminding the Tanzanian government of the consequences foreseen by the Agreement in case of failure to respect human rights, democratic principles and the rule of law
- Urge the Tanzanian government to restore conditions for free and fair elections to take place in 2019 and 2020, and put the government on notice that, unless some defined benchmarks are met, the European Union will refuse to provide any form of electoral support to the country.
- Step up financial and political support to NGOs working specifically on advancing respect for civil and political rights in Tanzania.

### **To other international development partners,**

- Publicly speak out on the need for Tanzania to respect its regional and international obligations on free expression, free association and other fundamental freedoms.
- Urge the Tanzanian government to protect the rights of journalists, activists, political opposition and representatives of NGOs or other civil society actors to free expression and association.
- Call on the Tanzanian government to review laws that impact free expression and association, including the Media Services Act, Cybercrimes Act, and the Electronic and Postal Communications (Online Content) Regulations.
- Promote and support independent monitoring of the human rights situation in the country, with a view to ensuring a conducive environment for holding free and fair elections, including by providing support to NGOs or other civil society actors working in this area.

## Methodology

This report is based on research Human Rights Watch conducted in Dar es Salaam, Zanzibar, and Arusha between June 2018 and February 2019. In addition to interviews, researchers reviewed legislation, NGO reports, academic papers, newspapers and other media reports. The report also draws on some of Human Rights Watch's previous research on Tanzania.

Researchers interviewed 80 individuals, including journalists, bloggers, lawyers, NGO representatives, and members of political parties. Additional telephone interviews were conducted with Tanzanians located at the time of the interviews in Lindi, Morogoro, and Mwanza in Tanzania, as well as Belgium, Kenya, and Sweden. Interviewees were selected from a cross-section of civil society, faith-based organizations, government officials, and the media through recommendations from Tanzanian civil society organizations.

Most interviews were conducted in English and lasted one to two hours. Some interviews were conducted in Tanzania's official language Swahili and translated into English. Most of the interviews were conducted one on one, although a few were conducted with groups of two or three respondents. In addition to interviews, researchers reviewed legislation, NGO reports, academic papers newspaper and other media reports.

All interviewees gave oral consent and were informed of the purpose of the interview, its voluntary nature and the goal of our research. No compensation or any form of remuneration was given to interviewees. Many of those who were interviewed expressed concern for their safety and as a result, we have not disclosed their names or other identifying details. All individuals who appear in this report with full last names are identified by their real names and affirmed that they were willing to have their names and the contents of their interviews published.

# I. Background

## Political and Legislative Systems in Tanzania and Zanzibar

The United Republic of Tanzania was formed on April 26, 1964 when Tanganyika and the island archipelago of Zanzibar were unified. This followed Tanganyika's independence from Britain in 1961 and the Zanzibar revolution of January 12, 1964, when locals overthrew the sultan of Zanzibar. The country has a population of 57.31 million and is divided into 31 administrative regions or *mikoa*, which are sub-divided into districts, each administered by a district council. The president appoints commissioners for each region, district and city. The Regional Administration Act gives both regional and district commissioners broad and discretionary executive powers, including to arrest people suspected to have committed criminal offenses “within their presence” or “knowledge.” Regional commissioners act as representatives of the government in the regions in which they are appointed.<sup>1</sup> Similarly, district commissioners are government representatives responsible for, among others, “securing the maintenance of law and order in the district” and implementing government policy.<sup>2</sup>

The political and legal systems of Tanzania are divided into what are termed “union matters,” which concern the entire country, and those that concern either mainland Tanzania or Zanzibar alone. The central government of Tanzania is in charge of all union matters and of the mainland. The cabinet of the central government includes the vice president, the prime minister and the president of Zanzibar, Ali Mohamed Shein. Its Parliament, the National Assembly, has legislative power over union matters and mainland issues. Tanzania operates under a multi-party system, introduced in 1992. The current ruling party, Chama Cha Mapinduzi (CCM, the “Party of the Revolution”) has held power since then, enjoying a large majority in the National Assembly. The main opposition party in mainland Tanzania is the Chama cha Demokrasia na Maendeleo (Chadema) which means the Party of Democracy and Development.

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<sup>1</sup> Regional Administration Act, No. 19 of 1997, [http://urbanlex.unhabitat.org/sites/default/files/urbanlex/tz\\_regional\\_administration\\_act\\_1997.pdf](http://urbanlex.unhabitat.org/sites/default/files/urbanlex/tz_regional_administration_act_1997.pdf) (accessed June 19, 2019), sec. 5(1).

<sup>2</sup> Regional Administration Act, sec. 14(1).

In 2012, the government embarked on a review of the existing 1977 constitution, during which citizens proposed either a three-government structure, resembling a federal state, constituting a federal government supervising the governments of Zanzibar and Tanganyika, or the complete secession of Zanzibar from mainland Tanzania.<sup>3</sup> The review has since stalled as President John Magufuli, in office since 2015, made it clear the review was not a priority for his administration. In November 2018, the president said his government would pursue development projects, adding: “Let’s work hard and stop thinking about a new constitution because my government will allocate no money for that purpose. The money we have will be used in implementing development projects.”<sup>4</sup>

While part of the union of Tanzania, Zanzibar is a semi-autonomous region of the country, composed of many small islands and two main ones – Unguja and Pemba. It has a population of just over one million people and its capital Zanzibar city, is located on Unguja. Its government has power only over matters on its islands; its Parliament does not deal with union matters, such as foreign affairs, citizenship and higher education. Some national legislation that impacts the rights to freedom of expression and association on mainland Tanzania do not apply in Zanzibar. These include the Media Services Act and the NGO Act of 2002. Some sections of the 2015 Statistics Act apply only to mainland Tanzania and other sections to Zanzibar while the Cybercrimes Act applies to both mainland Tanzania and Zanzibar, majorly with the exception of one section dealing with criminal procedure, which only applies to the mainland.

The Tanzania Police Force operates in both mainland Tanzania and Zanzibar. The Zanzibar Police Division is a division of the larger Tanzania Police Force.<sup>5</sup> Both mainland Tanzania and Zanzibar have separate offices of the Director of Public Prosecutions, with each separately instituting, prosecuting and supervising all criminal prosecutions in their respective jurisdictions.<sup>6</sup>

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3 Mangasini Atanasi Katundu and Neema Penance Kumburu, “Tanzania’s Constitutional Reform Predicament and the Survival of the Tanganyika and Zanzibar Union,” *The Journal of Pan African Studies* 8 (2015): 104-118, [https://www.researchgate.net/publication/282133534\\_Tanzania's\\_Constitutional\\_Reform\\_Predicament\\_and\\_the\\_Survival\\_of\\_the\\_Tanganyika\\_and\\_Zanzibar\\_Union\\_The\\_Journal\\_of\\_Pan\\_African\\_Studies](https://www.researchgate.net/publication/282133534_Tanzania's_Constitutional_Reform_Predicament_and_the_Survival_of_the_Tanganyika_and_Zanzibar_Union_The_Journal_of_Pan_African_Studies) (accessed June 19, 2019).

4 Louis Kolumbia, “Magufuli: Tanzania is on the right path,” *The Citizen*, November 2, 2018, (accessed June 19, 2019), <https://www.thecitizen.co.tz/news/Magufuli--Tanzania-is-on-the-right-path/1840340-4833808-39a1to/index.html>.

5 Tanzanian Police Force, <https://www.polisi.go.tz/resources/>.

6 Section 56A(1)(a) of the Constitution of Zanzibar, <https://www.wipo.int/edocs/lexdocs/laws/en/tz/tz028en.pdf> (accessed October 10, 2019) and Section 59B of the Constitution of Tanzania, <https://www.wipo.int/edocs/lexdocs/laws/en/tz/tz008en.pdf> (accessed October 10, 2019).

## 2015 Elections and Aftermath

Magufuli was elected at a time when Tanzania was working toward achieving the “Vision 2025” goal of attaining middle income status, which was formulated and adopted in 1999 during the government of former president Benjamin Mkapa. Vision 2025 sets out aspirations for increased livelihoods and economic growth for the country.<sup>7</sup> Observers initially highly lauded Magufuli for working toward this goal through his aggressive campaign against corruption and prioritizing economic and infrastructural development of the country.<sup>8</sup> The high praise soon gave way to serious concerns as his government embarked on the pattern of repression of the media, political opposition, and civil society broadly, described in this report.<sup>9</sup>

Following presidential elections in October 2015, Magufuli defeated Edward Lowassa, the candidate of a four party coalition called Ukawa, winning 58 percent of the votes to Lowassa’s 40 percent.<sup>10</sup> Election observers, including the African Union, the Southern African Development Community, the United Kingdom and the European Union, generally applauded the elections, but raised concerns when the Zanzibar Electoral Commission (ZEC), citing electoral fraud, called for a re-run of the Zanzibar presidential elections, which had taken place at the same time.<sup>11</sup> The United Kingdom disagreed with this decision and called on the ZEC to “resume the results tabulation process without delay.”<sup>12</sup> Nonetheless, the ZEC continued with the re-run.

In March 2016, CCM candidate Ali Mohamed Shein, won 91.4 percent of votes during the re-run of the presidential elections in Zanzibar. The re-run was boycotted by Zanzibar’s main opposition party, the Civic United Front (CUF). CUF labelled the

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7 Planning Commission, “The Tanzania Development Vision 2025,” <http://www.mof.go.tz/mofdocs/overarch/vision2025.htm> (accessed June 19, 2019).

8 Michael Jennings, “Will Magufuli’s Popular Anti-Corruption Drive in Tanzania Last?” *World Political Review*, April 1, 2016, <https://www.worldpoliticsreview.com/articles/18367/will-magufuli-s-popular-anti-corruption-drive-in-tanzania-last> (accessed June 19, 2019).

9 See, e.g., Dan Paget, “John Magufuli has changed Tanzania in just two years as president,” *Quartz Africa*, November 8, 2017, (accessed June 19, 2019), <https://qz.com/africa/1123780/tanzanias-president-john-magufuli-is-changing-his-country-for-better-and-for-worse/>.

10 “Tanzania poll: John Magufuli of CCM defeats Edward Lowassa,” *BBC News*, October 29, 2015, (accessed June 19, 2019), <https://www.bbc.com/news/world-africa-34669468>.

11 “Tanzania polls: US alarmed over Zanzibar vote annulment,” *BBC News*, October 29, 2015, (accessed June 19, 2019), <https://www.bbc.com/news/world-africa-34665870>.

12 United Kingdom of Great Britain and Northern Ireland, statement on Zanzibar elections, October 29, 2015, <https://www.gov.uk/government/news/uk-statement-on-zanzibar-elections> (accessed June 19, 2019).

elections “illegal.”<sup>13</sup> During the re-run, according to media reports, Zanzibar authorities arrested opposition members and banned public rallies.<sup>14</sup> As detailed below, they suspended radio stations, according to the Media Council of Tanzania.<sup>15</sup> In at least one case, unknown men abducted and threatened a Zanzibar-based journalist for covering the 2016 re-run elections.<sup>16</sup>

## Hostile Rhetoric on Human Rights

A hallmark of Magufuli’s presidency has been moralistic rhetoric hostile about a range of human rights issues, followed in some cases by enforcement actions by government officials. His administration has suspended activities of some NGOs and threatened to deregister others in retaliation for criticizing his statements.

On June 22, 2017, Magufuli said, “As long as I’m president, no pregnant students will be allowed to return to school.... After getting pregnant you are done,” threatening the rights to education and equality of pregnant girls.<sup>17</sup> Three days later, Home Affairs Minister Mwigulu Nchemba threatened to deregister any organizations that challenged the president’s statements.<sup>18</sup> In December 2017 and January 2018, Tanzanian police arrested school girls for being pregnant.<sup>19</sup> Girls have also been subjected to forced pregnancy tests and examinations in schools.<sup>20</sup>

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13 Shamil Shams, “Zanzibar holds presidential elections despite opposition’s boycott,” *DW*, March 20, 2016, (accessed June 19, 2019), <https://www.dw.com/en/zanzibar-holds-presidential-elections-despite-oppositions-boycott/a-19129699>.

14 Shamil Shams, “Zanzibar holds presidential elections despite opposition’s boycott,” *DW*; Fambuka Ng’wanakilala, “Tanzanian opposition says 40 volunteers arrested after elections,” *Reuters*, October 26, 2015, (accessed October 10, 2019), <https://www.reuters.com/article/us-tanzania-election/tanzanian-opposition-says-40-volunteers-arrested-after-election-idUSKCN0SK1BR20151026>.

15 Media Council of Tanzania, “2015 Press Freedom Violations Report,” 2016, <https://mct.or.tz/wp-content/uploads/2019/05/Press-Freedom-Violations-Report-2015.pdf> (accessed June 19, 2019).

16 Human Rights Watch interview with Salma Said, journalist, Zanzibar, January 30, 2019.

17 John Aglionby, “Tanzania’s enemies of the state: pregnant young women,” *Financial Times*, October 11, 2017, (accessed June 19, 2019), <https://www.ft.com/content/c7507730-712c-11e7-93ff-99f383b09ff9>.

18 Sharon Sauwa, “Tanzania’s teen mums: Nchemba warns critical NGOs,” *The Citizen*, June 25, 2017, (accessed September 25, 2019), <https://www.thecitizen.co.tz/News/Tanzania-s-teen-mums--Nchemba-warns-critical-NGOs/1840340-3986942-fto7npz/index.html>.

19 Kizito Makoye and Nitta Bhalla, “Tanzania slammed for ‘misguided’ arrest of pregnant schoolgirls,” *Reuters*, January 10, 2018, (accessed June 19, 2019), <https://www.reuters.com/article/us-tanzania-schoolgirls-arrests/tanzania-slammed-for-misguided-arrest-of-pregnant-schoolgirls-idUSKBN1EZ2C2>.

20 “In Tanzania, getting impregnated also means getting expelled from school,” *The Economist*, June 14, 2018, (accessed September 25, 2019), <https://www.economist.com/middle-east-and-africa/2018/06/14/in-tanzania-getting-impregnated-also-means-getting-expelled-from-school>.

In September 2018 in a speech in Meatu, in the northern Simiyu region, the president denounced family planning, asking women to give up using contraception, adding that “people should work harder to provide for their families.”<sup>21</sup> He also said that “those going for family planning are lazy ... they are afraid they will not be able to feed their children. They do not want to work hard to feed a large family and that is why they opt for birth controls and end up with one or two children only.”<sup>22</sup> Later that same month the government suspended radio and television advertisements encouraging family planning.<sup>23</sup> It later subjected them to new guidelines, including a requirement that they be submitted to and approved by a government committee before being aired.<sup>24</sup>

Magufuli and other government officials have vehemently denounced the rights of lesbian, gay, bisexual, and transgender (LGBT) people. In 2017 the president said “even cows” disapprove of homosexuality.<sup>25</sup> The government has, since 2015, cracked down on LGBT people and their advocates by banning civil society organizations from conducting HIV prevention activities for gay men.<sup>26</sup> It has prohibited the distribution of water-based lubricant for HIV prevention and raided meetings on health and human rights organized by LGBT-rights activists.<sup>27</sup> Police have arrested people based on their real or perceived sexual orientation or gender identity, while also subjecting some of those arrested to forced anal exams, a form of cruel and degrading treatment that can rise to the level of torture.<sup>28</sup>

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21 The Citizen Reporter, “Magufuli advises against birth control,” *The Citizen*, September 10, 2018, (accessed June 19, 2019), <https://www.thecitizen.co.tz/News/Magufuli-advises-against-birth-control/1840340-4751990-4h8fqpz/index.html>.

22 Stephanie Busarim, “‘Don't use birth control,’ Tanzania's President tells women in the country”, *CNN*, September 11, 2018, (accessed September 25, 2019), <https://edition.cnn.com/2018/09/11/africa/tanzania-birth-control-magufuli-intl/index.html>.

23 “Tanzania suspends U.S.-funded family planning ads on radio, television”, *Reuters*, September 20, 2018, (accessed September 25, 2019), <https://www.reuters.com/article/us-tanzania-health/tanzania-suspends-u-s-funded-family-planning-ads-on-radio-television-idUSKCN1Mo2HG>.

24 Syriacus Buguzi, “Government lifts ban on family planning ads,” *The Citizen*, March 28, 2019, (accessed June 19, 2019), <https://www.thecitizen.co.tz/News/Government-lifts-ban-on-family-planning-ads/1840340-5046038-11v9sxb/index.html>.

25 “Tanzania vows to arrest those 'protecting' gay interests,” *News24*, June 26, 2017, (accessed June 19, 2019), <https://www.news24.com/Africa/News/tanzania-vows-to-arrest-those-protecting-gay-interests-20170626>.

26 Human Rights Watch interview with Kingston H., NGO worker, Zanzibar, January 28, 2019.

27 Amy Fallon, “People with HIV are panicking due to Tanzania’s crackdown on gays,” *Reuters*, March 15, 2017, (accessed October 10, 2019), <https://www.npr.org/sections/goatsandsoda/2017/03/15/518155924/people-with-hiv-are-panicking-due-to-tanzanias-crackdown-on-gays> and <https://www.bbc.com/news/world-africa-41292920>.

28 Edith Honan, “How Tanzania is cracking down on LGBT people -- and getting away with it,” *Buzzfeed*, April 8, 2017, (accessed October 10, 2019), <https://www.buzzfeednews.com/article/edithonan/how-tanzania-is-cracking-down-on-lgbt-people-and-getting#.jc9Wp1agd>.

In June 2017, Home Affairs Minister Nchemba also threatened to deregister organizations that support and campaign for homosexuality and arrest individuals and deport foreigners involved in them.<sup>29</sup> In November 2018, Dar es Salaam Regional Commissioner Paul Makonda announced plans to round up suspected gays and subject them to forced anal examinations and conversion therapy.<sup>30</sup> Following this, the Foreign Ministry publicly denounced this announcement in a statement.<sup>31</sup> Makonda's proposed mass roundups did not take place although other arrests of suspected gay men continued to take place in northern Tanzania and in Zanzibar.<sup>32</sup> See further discussion of the crackdown on individuals and organizations that work to uphold the rights of LGBT people in section III below.

In July 2018, while swearing in a new Commissioner General of Prisons, Magufuli criticized the country's prisons service for allowing inmates to "sleep," that they should be made to work "day and night," that prison authorities should end conjugal visits and that the lazy be "kicked."<sup>33</sup>

The administration has also threatened protesters. On March 9, 2018, Magufuli said his government would crack down on demonstrations it considers illegal.<sup>34</sup> When US-based Tanzanian activist Mange Kimambi called for nationwide anti-government protests on April 26 the regional police commander for the centrally located Dodoma, Gilles Muroto told journalists that protesters "will seriously suffer" and would be

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<sup>29</sup> "Tanzania vows to arrest those 'protecting' gay interests," *News24*, June 26, 2017, (accessed June 19, 2019), <https://www.news24.com/Africa/News/tanzania-vows-to-arrest-those-protecting-gay-interests-20170626>.

<sup>30</sup> Human Rights Watch, Tanzania – Mixed Messages on Anti-Gay Persecution: Commitment to Rights Means Ending Arrests, Discrimination," November 6, 2018.

<sup>31</sup> AFP, "Tanzania government denounces Makonda's anti-gay clampdown," *The East African*, November 25, 2018, (accessed June 19, 2019), <https://www.theeastafrican.co.ke/news/ea/Tanzania-government-denounces-Makonda-anti-gay-clampdown/4552908-4837714-mow84v/index.html>.

<sup>32</sup> Human Rights Watch telephone interviews with Kim A., February 7, 2019, and an activist in Zanzibar, September 17, 2019.

<sup>33</sup> AFP, "Tanzania president says prisoners should be kicked and made to work 'day and night'," *The Guardian*, July 15, 2018, (accessed September 25, 2019), <https://www.theguardian.com/world/2018/jul/15/tanzania-president-says-prisoners-should-be-kicked-and-made-to-work-day-and-night>.

<sup>34</sup> "Tanzania's Magufuli warns of crackdown on protesters," *Reuters*, March 9, 2018, (accessed September 10, 2019), <https://www.reuters.com/article/us-tanzania-politics/tanzanias-magufuli-warns-of-crackdown-on-protesters-idUSKCN1GL29E>.

“beaten like stray dogs” if they participated.<sup>35</sup> Nationwide demonstrations were not held, although police arrested nine demonstrators in Dar es Salaam.<sup>36</sup>

## Media and Civil Society Landscape

Tanzania’s media is mostly concentrated in the country’s former capital and largest city, Dar es Salaam. Print media is dominated by Mwananchi Communications Ltd, a subsidiary of Nation Media Group. Mwananchi Communications publishes in English-language, *The Citizen* and in Swahili, *Mwananchi*. State run newspapers include *Habari Leo*, *Daily News* and *SpotiLeo*, while the IPP Media Group publishes *The Guardian*.

Broadcast media varies by region although state-run radio and television stations, as well as the privately-owned Clouds Media, Azam Television and IPP Media Group all contest for space across the country.<sup>37</sup> In 2016, the government banned live broadcasts of parliamentary sessions.<sup>38</sup>

Online media – including privately run blogs and web forums – have increasingly gained more prominence over the years. *Jamii Forums*, has over 500,000 members according to its website.<sup>39</sup>

Civil society, understood to mean groups working outside the framework of the state to pursue a specific cause, includes various types of charity organizations and NGOs, according to one study.<sup>40</sup> While in principle independent of the government, NGOs are registered and regulated by the Ministry of Health, Community Development, Gender, Elderly and Children. The NGO Act of 2002 established a 10-member NGO Coordination Board to register NGOs and has the power to suspend or deregister them. Members of

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<sup>35</sup> Fumbuka Ng'wanakilala, “Tanzania police threaten to beat protesters 'like stray dogs' to halt demos,” *Reuters*, April 25, 2018, (accessed June 19, 2019), <https://www.reuters.com/article/us-tanzania-protests/tanzania-police-threaten-to-beat-protesters-like-stray-dogs-to-halt-demos-idUSKBN1HW2BU>.

<sup>36</sup> Fumbuka Ng'wanakilala, “Tanzanian anti-government protests flop as Magufuli calls for peace,” *Reuters*, April 26, 2018, (accessed June 19, 2019), <https://af.reuters.com/article/topNews/idAFKBN1HX275-OZATP>.

<sup>37</sup> Khalifa Said, “The Citizen Newspaper publisher named champion in Tanzania’s print media market: study,” *The Citizen*, November 16, 2018, (accessed June 19, 2019), <https://www.thecitizen.co.tz/news/1840340-4853370-4an33qz/index.html>.

<sup>38</sup> Committee to Protect Journalists, “Tanzania cuts live parliamentary coverage, ending vital news source for citizens,” May 13, 2016, <https://cpj.org/blog/2016/05/tanzania-cuts-live-parliamentary-coverage-ending-v.php> (accessed June 20, 2019).

<sup>39</sup> <http://www.jamiiforums.com>.

<sup>40</sup> CIVICUS, Civil Society Index, Analytical Country Report for Tanzania, 2011, <https://www.civicus.org/downloads/CSI/Tanzania.pdf>, (accessed June 19, 2019).

the board are appointed by the president or the Minister of Health, Community Development, Gender, Elderly and Children.<sup>41</sup>

Both media and civil society play a critical role in promoting and advancing human rights in Tanzania. Both have the potential to create awareness about rights and expose violations. This role is further enhanced where they are independent.

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<sup>41</sup>Non-Governmental Organizations Act, No. 24 of 2002, section 6.

## II. Restrictions on Expression

I don't see any freedom of expression in this country. If you utter any word about things that are not implemented or things that are not good, then you have a problem. We can't all be government spokespersons. You praise the government when need be. You praise depending on what has been done but not all the time because no one is perfect.

Jack F., director of a Dar es Salaam-based NGO, Dar es Salaam, August 2018

### Media laws

Since 2015, the Tanzanian government has enacted new legislation or started enforcing existing laws that curtail the right to freedom of expression. The Cybercrimes Act of 2015 criminalizes offenses related to computer systems and electronic devices and has been used to prosecute individuals for posts they have made online, as described below. The Statistics Act of 2015, also described below, regulates the publication of statistics in Tanzania, and, until Parliament amended it in June 2019. It criminalized publishing and disseminating independent statistics.

The 2016 Media Services Act regulates the media industry and journalism profession. It gives government agencies broad powers to censor the media and limit independent journalism. It requires journalists to be accredited by the government and creates broad and unclear criminal offenses that are open to abuse by the government, such as the publication of statements which threaten “the interests of ... public order” or “public morality.”<sup>42</sup> The law also gives broad oversight to the director of information services, including the power to unilaterally suspend or cancel newspaper licenses.<sup>43</sup> The government has used this law to suspend newspapers .

The law has been widely criticized by civil society groups for restricting media operations. Twaweza, an organization that analyzes Tanzanian law and policy, described it in November 2016 as a “step backwards for free and independent media” in Tanzania.<sup>44</sup> In 2017, a coalition of human rights organizations and media

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<sup>42</sup> Media Services Act, No. 12 of 2016, sections 19 and 50(1)(a)(i).

<sup>43</sup> Media Services Act, section 5.

<sup>44</sup> Anna J. Jonathan, “Media Service Bill Analysis: A step backwards for free and independent media,” Twaweza, November 8, 2016, <https://www.twaweza.org/go/media-service-bill-analysis-2016> , (accessed June 19, 2019).

practitioners challenged the act at the East African Court of Justice, the judicial body of the East African Community, of which Tanzania is a member. They argued that the law violates freedom of expression by restricting news content without justification. On March 18, 2019, the court held that the law violated the treaty establishing the East African Community and called on the Tanzanian government to amend it.<sup>45</sup> The court found that several sections of the law violate the East African Community Treaty's sections on good governance, principles of democracy, and protection and promotion of human rights.<sup>46</sup> These include sections relating to the definition of journalists, criminal defamation, publication of "false statements" and acting with "seditious intent," and sections that empower the minister to prohibit the import of a publication he or she deems "contrary to public interest" or to sanction any publication that jeopardizes national security or public safety. Following this decision, government officials reportedly expressed openness to dialogue on reviewing the law.<sup>47</sup>

The Tanzania Communications Regulatory Authority (TCRA) is a quasi-independent government body established in November 2003 with responsibility for regulating the communications and broadcasting sectors in Tanzania. In 2018 it was given wide discretionary powers to license blogs, websites and other online content through the adoption of regulations in 2018.<sup>48</sup> Bloggers are required to pay fees of up to 2,100,000 Tanzania shillings (US\$900) according to a schedule published in 2018, to acquire an operating license from TCRA, an amount many bloggers would struggle to raise. Non-compliance with this law is a criminal offense, making it a crime to run a blog or website without a TCRA license.<sup>49</sup>

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<sup>45</sup> Committee to Protect Journalists, "East African court rules that Tanzania's Media Services Act violates press freedom," March 28, 2019, <https://cpj.org/2019/03/east-african-court-rules-that-tanzanias-media-serv.php> (accessed June 19, 2019).

<sup>46</sup> East African Court of Justice, *Media Council of Tanzania, Legal and Human Rights Centre and Tanzania Human Rights Defenders Coalition v The Attorney General of the United Republic of Tanzania*, First Instance Decision of March 28, 2019, Reference No 2 of 2017, available at <http://eacj.eac.int/wp-content/uploads/2019/03/Referene-No.2-of-2017.pdf>, para 82, 91, 96, 103.

<sup>47</sup> Simon Allison, "Tanzania reconsiders harsh media laws," *Mail & Guardian*, April 5, 2019, (accessed June 19, 2019), <https://mg.co.za/article/2019-04-05-00-tanzania-reconsiders-harsh-media-laws>.

<sup>48</sup> The Tanzania Communications Regulatory Authority Act, No. 12 of 2003, establishes the TCRA to regulate electronic communications and postal services, and management of the national frequency spectrum. [https://www.lrct.go.tz/download/laws\\_2003/12-2003\\_The%20Tanzania%20Communications%20Regulatory%20Authority%20Act.pdf](https://www.lrct.go.tz/download/laws_2003/12-2003_The%20Tanzania%20Communications%20Regulatory%20Authority%20Act.pdf) (accessed June 19, 2019).

<sup>49</sup> The Electronic and Postal Communications (Online Content) Regulations, 2018, [https://www.tcra.go.tz/images/documents/regulations/SUPP\\_GN\\_NO\\_133\\_16\\_03\\_2018\\_EPOCA\\_ONLINE\\_CONTENT\\_REGULATIONS\\_2018.pdf](https://www.tcra.go.tz/images/documents/regulations/SUPP_GN_NO_133_16_03_2018_EPOCA_ONLINE_CONTENT_REGULATIONS_2018.pdf) (accessed June 19, 2019), reg. 18.

Following the adoption of these regulations, authorities in June 2018 ordered bloggers to apply and pay for licenses to run their websites.<sup>50</sup> An individual who ran blogs and websites told Human Rights Watch that they elected not to apply for the license because they could not afford it.<sup>51</sup>

## Statistics Act

Tanzanian authorities have also used a law coordinating statistics to restrict civil society groups and the media. In 2015, Parliament passed the Statistics Act which made it a crime for owners of radio stations, newspapers, websites or other media to publish what were termed “false official statistics,” that is statistics that were not approved by government agencies, notably the National Bureau of Statistics (NBS).<sup>52</sup> It also made it a crime to publish statistics that “may result in the distortion of facts.”<sup>53</sup> The law did not define the distortion of facts.

Authorities have used this law to restrict and instill fear in civil society, government critics and the media. In 2017, police arrested opposition politician Zitto Kabwe for violating the Statistics Act for remarks he made about the economic growth of Tanzania.<sup>54</sup> Kabwe was released without charge and has not heard further from the authorities in this matter. He told Human Rights Watch that the police said to him, “we will call you.”<sup>55</sup> In September 2018, Parliament adopted an amendment to the law making it a crime to publish any statistics at all without NBS approval and prohibiting the dissemination of statistics that are meant to “invalidate, distort or discredit” the body’s statistics.<sup>56</sup>

The World Bank criticized the new amendments to the 2015 Act for being out of line with “international standards such as the UN Fundamental Principles of Official

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50 Fumbuka Ng'wanakilala, “Tanzania orders all unregistered bloggers to take down their sites,” Reuters, June 11, 2018, (accessed June 20, 2019), <https://af.reuters.com/article/tanzaniaNews/idAFL8N1TD3FW>.

51 Human Rights Watch interview with Edward C., worker with an NGO, Arusha, February 8, 2019.

52 Statistics Act, No. 9 of 2015, [http://www.lrct.go.tz/download/laws\\_2015/ActNo-9-2015-The\\_Statistics\\_.pdf](http://www.lrct.go.tz/download/laws_2015/ActNo-9-2015-The_Statistics_.pdf), (accessed June 10, 2019), sec 37(4).

53 Statistics Act, sec 37(5).

54 Iddy Mwema, “Tanzania: Police Query Zitto Over Issuing 'False Statistics',” *Tanzania Daily News*, November 1, 2017, (accessed August 30, 2019), <https://allafrica.com/stories/201711010047.html>.

55 Human Rights Watch telephone interview with Zitto Kabwe, opposition parliamentarian, September 21, 2018.

56 Written Laws (Miscellaneous Amendments) (No.3) Act, No. 8 of 2018, [https://tanzania.mom-rsf.org/uploads/tx\\_lfrogmom/documents/THE\\_WRITTEN\\_LAWS\\_MISCELLANEOUS\\_AMENDMENTS\\_NO.3\\_ACT\\_2018\\_SEPTMBER\\_11\\_C-Procedures\\_f.pdf](https://tanzania.mom-rsf.org/uploads/tx_lfrogmom/documents/THE_WRITTEN_LAWS_MISCELLANEOUS_AMENDMENTS_NO.3_ACT_2018_SEPTMBER_11_C-Procedures_f.pdf), (accessed June 19, 2019), sec 32.

Statistics and the African Charter on Statistics.”<sup>57</sup> In November 2018, the World Bank’s vice president for Africa, Hafez Ghanem, said: “[W]e need statistics that are reliable and credible because all our decisions and analyses as World Bank, are based on statistics.”<sup>58</sup>

In June 2019, Parliament passed an amendment making several improvements to the act. The amendment provided that every person has a right to collect and disseminate statistical information, including information different from that of the NBS. It also notably removed the criminal offense of publishing independent statistical information. It established a five member “Statistical Technical Committee” to whom NBS may refer statistical information disseminated by any other person that it disagrees with to make a “determination.”<sup>59</sup>

## Cybercrimes Act

Parliament enacted the Cybercrimes Act in April 2015. The law criminalizes a series of activities related to computer systems and Information Communication Technologies and “provides for investigation, collection, and use of electronic evidence.”<sup>60</sup> The law prohibits the publication of false information on a computer system “knowing that such information or data is false, deceptive, misleading or inaccurate, and with intent to defame, threaten, abuse, insult, or otherwise deceive or mislead the public.”<sup>61</sup> The government has used this law to prosecute individuals for posts made online and through internet-based communications, described below.

## Bans, Shutdowns, Raids and Fines

Since 2015, the Tanzanian government has banned or suspended newspapers and radio stations, raided them, or fined them, for publishing or broadcasting content deemed critical of the government.

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57 “World Bank Statement on Amendments to Tanzania’s 2015 Statistics Act,” World Bank statement, October 2, 2018, <https://www.worldbank.org/en/news/statement/2018/10/02/world-bank-statement-on-amendments-to-tanzanias-2015-statistics-act>, (accessed June 19, 2019).

58 Syriacus Buguzi, “World Bank stance on loan release to Tanzania,” The Citizen, November 19, 2018, (accessed June 19, 2019), <https://www.thecitizen.co.tz/news/World-Bank-stance-on-loan-release-to-Tanzania/1840340-4858282-wdi71sz/index.html>.

59 Written Laws (Miscellaneous Amendments) (No.3) Act, section 59.

60 Cybercrimes Act, No 14 of 2015, [http://www.lrct.go.tz/download/laws\\_2015/ActNo-14-2015-Book-11-20.pdf](http://www.lrct.go.tz/download/laws_2015/ActNo-14-2015-Book-11-20.pdf) (accessed June 9, 2019).

61 Cybercrimes Act, section 16.

In February 2019, the Department of Information Services under the Ministry of Information, Culture, Arts and Sports suspended Tanzania’s major English language newspaper, *The Citizen*, for seven days under the Media Services Act.<sup>62</sup> The newspaper had published two articles, one about US lawmaker, Bob Menendez, raising concerns about “the gradual downward spiral of respect for civil liberties in Tanzania” and another reporting that the Tanzania shilling was falling against the US dollar. The department said the articles were one sided.

In 2017, the Department banned four other newspapers using the Media Services Act. *Mawio* was banned after publishing an article which linked former presidents with controversial mining contracts; *Tanzania Daima* was banned for “continuous publication of false information” after it published an article claiming that 67 percent of Tanzanians use anti-retroviral drugs; *Mwanahalisi* was banned for two years over allegations that it tarnished the presidents name; while *Raia Mwema* was banned following the publication of an article titled “Magufuli presidency likely to fail.”<sup>63</sup>

In Zanzibar, the Zanzibar Broadcasting Commission shut down a radio station, Swahiba FM, in October 2015, as it reported on the annulment and subsequent re-run of the 2015 elections.<sup>64</sup> The radio station aired an announcement by opposition party Civic United Front leader, Sharif Hamad, that he was the winner of the presidential elections.<sup>65</sup> The radio station later apologized to the Zanzibar Broadcasting Commission and was allowed to resume broadcasting in January 2016.<sup>66</sup>

On Friday, March 17 2017, the Dar es Salaam Regional Commissioner Paul Makonda stormed the offices of private media company Clouds Media with armed security

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62 “Tanzania: Authorities Cite Bias in Banning of Major English Newspaper,” Human Rights Watch news release, March 6, 2019, <https://www.hrw.org/news/2019/03/06/tanzania-authorities-cite-bias-banning-major-english-newspaper>

63 Zaheena Rashid, “Tanzania Daima ban adds to press freedom concerns,” Al-Jazeera, October 26, 2017, (accessed June 19, 2019), <https://www.aljazeera.com/news/2017/10/tanzania-daima-ban-adds-press-freedom-concerns-171025181519339.html>; Deogratius Kamagi, “Govt bans weekly Raia Mwema tabloid for 90 days,” The Citizen, September 29, 2017, (accessed September 25, 2019), <https://www.thecitizen.co.tz/news/Govt-bans-weekly-Raia-Mwema-tabloid-for-90-days/1840340-4117728-r9ypos/index.html>.

64 The Zanzibar Broadcasting Commission Act establishes the Zanzibar Broadcasting Commission to regulate and supervise broadcasting activities in Zanzibar. The law gives the commission the power to grant licenses to broadcasters or revoke them, or fine the broadcaster where it deems that broadcaster has breached conditions for its licenses. Zanzibar Broadcasting Commission Act, No. 9 of 1997, <http://crm.misa.org/upload/web/7-the-zanzibar-broadcasting.pdf>, sec 12;16(3).

65 “Zanzibar in an Information Void Following Elections,” *Internews*, December 10, 2015, (accessed June 19, 2019), <https://internews.org/updates/zanzibar-information-void-following-elections>.

66 Media Council of Tanzania, “2015 Press Freedom Violations Report,” 2016, <https://mct.or.tz/wp-content/uploads/2019/05/Press-Freedom-Violations-Report-2015.pdf> (accessed June 19, 2019).

officers to force staff to broadcast a video on television.<sup>67</sup> The following Monday, Nape Nnuaye, the Information, Culture, Arts and Sports minister visited Clouds Media and condemned the incident saying, “There is every indication that some politicians lack tolerance, which is a key component of leadership...there are people who think that they are above the law.” He also announced that a team was formed to investigate the incident and would present findings at a later press conference.<sup>68</sup> However, three days later, according to media reports, President Magufuli, who had reportedly voiced support for Makonda’s actions, fired Nnuaye, without citing any reason.<sup>69</sup> On the same day Nnuaye was fired, a plain-clothed man held him at gunpoint in the parking lot of a Dar es Salaam hotel as he attempted to hold a press conference, in an apparent attempt at blocking him from speaking to the media.<sup>70</sup> No arrests for this were made.

In 2015, gunmen on two occasions raided private Zanzibar radio stations that had aired content critical of the government following the re-run of the 2015 presidential elections. In one incident, the Media Council of Tanzania reported that on the morning of June 29, 2015, about 20 armed, masked men attacked Coconut FM and threatened its staff after it aired a discussion critical of the voter registration procedure for the then forthcoming elections.<sup>71</sup> On December 3, 2015 masked, armed men raided Hits FM and destroyed property including cameras and recording equipment, and set the station on fire.<sup>72</sup> Hits FM had invited a government critic on air prior to this.<sup>73</sup>

Simon Q., who witnessed the raid on Coconut FM with told Human Rights Watch that these men wore masks, head covers and military fatigues, which gave him the impression that they could have been members of “Mazombi” a government aligned

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67 “Makonda in hot water over night Clouds raid,” *The Citizen*, March 20, 2017, (accessed December 18, 2018), <https://www.thecitizen.co.tz/news/Makonda-in-hot-water-over-night-Clouds-raid-/1840340-3856500-14bac2pz/index.html>.

68 Frank Kimboy and Hellen Nachilongo, “Probe to release report on Makonda,” *The Citizen*, March 21, 2017, (accessed September 25, 2019), <https://www.thecitizen.co.tz/news/Probe-team-to-release-report-on-Makonda/1840340-3858006-xit5bb/index.html>.

69 AFP, “Tanzanian minister sacked after condemning TV Intrusion”, *New Vision*, March 23, 2017, (accessed September 25, 2019), [https://www.newvision.co.ug/new\\_vision/news/1449350/tanzanian-minister-sacked-condemning-tv-intrusion](https://www.newvision.co.ug/new_vision/news/1449350/tanzanian-minister-sacked-condemning-tv-intrusion).

70 Louis Kolumbia, “Nape reacts to President Magufuli cabinet reshuffle,” *The Citizen*, March 23, 2017, (accessed September 25, 2017), <https://www.thecitizen.co.tz/News/Nape-reacts-to-President-Magufuli-cabinet-reshuffle/1840340-3861868-w7y9wv/index.html>.

71 Media Council of Tanzania, “2015 Press Freedom Violations Report”, p4.

72 AFP, “Masked gang torch radio station in Zanzibar,” *News24*, December 3, 2015, (accessed June 10, 2019), <https://www.news24.com/Africa/News/masked-gang-torch-radio-station-in-zanzibar-20151203-7>.

73 Human Rights Watch interview with Andrew S., journalist, Zanzibar, January 29, 2019.

militia group.<sup>74</sup> In the raid on Hits FM, a witness reported that they warned the radio station to not broadcast information critical of the government.<sup>75</sup>

Authorities, on one occasion, fined media for airing content with which they apparently disagree. In Dar es Salaam, in January 2018, the TCRA used its wide discretionary powers under the Tanzania Communications Regulatory Authority Act of 2003 to fine five television stations a total of 60 million Tanzania shillings (about \$27,000) for broadcasting a press conference by an NGO, the Legal and Human Rights Centre (LHRC).<sup>76</sup> LHRC alleged during the press conference that government forces, with other unidentified groups, arrested, detained, tortured and abducted opposition members during November 2017 by-elections in different parts of the country.<sup>77</sup> The regulator argued the content was “seditious” and contrary to the Broadcasting Services (Content) Regulations.<sup>78</sup>

## Arbitrary Arrests, Prosecutions, and Beatings

Section 16 of the Cybercrimes Act of 2015 criminalizes the publication of “false information” online with knowledge that the information is false and with intention to deceive the public. On March 15, 2016 Bob Chacha Wangwe, a human rights activist and law student at the University of Dar es Salaam, posted a message on Facebook criticizing Tanzania’s relationship with Zanzibar, and calling it a colony of the mainland. In November 2017, a Dar es Salaam court convicted him for publication of false information under section 16 of the Cybercrimes Act and sentenced him to 18 month’s imprisonment or a fine of 5 million Tanzania shillings (about \$2,185).<sup>79</sup> He

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<sup>74</sup> Human Rights Watch interview with Simon Q., journalist, Zanzibar, January 30, 2019.

<sup>75</sup> Human Rights Watch interview with Andrew S., journalist, Zanzibar, January 29, 2019.

<sup>76</sup> TCRA fined Star TV and Azam TV 7.5 million shillings each, and East African TV, Channel 10 and ITV 15 million each. Hellen Nachilongo, “5 TV stations incur TCRA wrath,” *The Citizen*, January 2, 2018, (accessed February 18, 2019), <https://www.thecitizen.co.tz/News/5-TV-stations-incur-TCRA-wrath/1840340-4249112-13kj4nfz/index.html>

<sup>77</sup> Asna Kaniki, “Poll flaws bad precedent for future elections, says LHRC,” *The Citizen*, December 1, 2017, (accessed June 19, 2019), <https://www.thecitizen.co.tz/News/Poll-flaws-bad-precedent-for-future-elections--says-LHRC/1840340-4210078-55eds8/index.html>.

<sup>78</sup> Hellen Nachilongo, “5 TV stations incur TCRA wrath,” *The Citizen*, January 2, 2018, (accessed February 18, 2019), <https://www.thecitizen.co.tz/News/5-TV-stations-incur-TCRA-wrath/1840340-4249112-13kj4nfz/index.html>. The regulator cited rules 5(a)(h), 6(2)(b)(c), and 6(3) of the Broadcasting Services (Content) Regulations of 2005. Rules 5(a) and (h) requires broadcasters to ensure that their programming “upholds national sovereignty, national unity, national interest, national security and Tanzania’s economic interests” and “does not incite or perpetuate hatred against or vilify, any group or persons on the basis of ethnicity, race, gender, religion or disability.” Rules 6(2)(b) and (c) require broadcasters to “report accurately and fairly” and “report news in an objective and balanced manner, without intentional or negligent departure from the facts, whether by distortion, exaggeration, misrepresentation or material omission.” Rule 6(3) requires broadcasters to make reasonable effort to, and provide reasonable opportunity for “fair, accurate, balanced and impartial view.”

<sup>79</sup> Human Rights Watch interview with Bob Chache Wange, student and activist, Dar es Salaam, September 4, 2018.

appealed the conviction on the grounds that the prosecution had failed to prove their case against him. On March 27, 2019 the high court in Dar es Salaam upheld Wangwe's appeal against his 2017 conviction.<sup>80</sup>

On December 13, 2016, police arrested Maxence Melo, a prominent human rights defender and the owner of *Jamii Forums*, an independent whistleblower and reporting website, and Micke William, a shareholder of Jamii Media, which hosts the site. Police reportedly searched the offices of *Jamii Forums* and Melo's home and made copies of several documents.<sup>81</sup> Melo's lawyer told the media that police conducted the search without a warrant.<sup>82</sup> On December 16, 2016, a Dar es Salaam charges were brought against Melo and William including obstruction of investigations for refusing to reveal the names of anonymous contributors to *Jamii Forums*, and "managing a domain not registered in Tanzania," according to the charge sheet that Human Rights Watch has seen.<sup>83</sup>

Their trial began in August 2017. In June 2018, the court acquitted Melo and William of the charges of failure to comply with a police order to disclose the identity of platform users under the Cybercrimes Act.<sup>84</sup> Two remaining charges -- of management of a domain not registered in Tanzania under the Online Content regulations, and of obstructing investigation under the Cybercrimes Act -- remain pending at time of writing.

In March 2018, student activist, Abdul Nondo was charged with publishing false information under the Cybercrimes Act after he sent a WhatsApp message alerting friends and family that he had been abducted. Nondo told Human Rights Watch that three unknown men followed and forced him into a car as he walked to visit a relative at night on March 6, 2018. His abductors then questioned him about his political ideologies and his affiliation with US-based activist Mange Kibambi and accused him of being used by opposition parliamentarians and activists to organize student protests. During a press conference earlier that year, Nondo had criticized police

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<sup>80</sup> *Bob Chacha Wangwe v The Republic*, Criminal Appeal No 370 of 2018.

<sup>81</sup> "Tanzania: Popular website Jamii Forum's office raided, staff arrested and detained," Article19, December 16, 2016, <https://www.article19.org/resources/tanzania-popular-website-jamii-forums-office-raided-staff-arrested-and-detained/>, (accessed September 25, 2019).

<sup>82</sup> "Tanzanian police charge Jamii Forums founder," *BBC*, December 16, 2016, (accessed June 16, 2019), <https://www.bbc.com/news/world-africa-38341151>.

<sup>83</sup> AP, "Co-founder of Tanzania whistleblowing website charged," *News24*, December 16, 2016, (accessed June 9, 2019), <https://www.news24.com/Africa/News/co-founder-of-tanzania-whistleblowing-website-charged-20161216>.

<sup>84</sup> Ashnah Kalemera "Tanzanian Court Acquits Jamii Forums Founders on One of Three Charges" CIPESA, June 7, 2018, <https://cipesa.org/2018/06/tanzanian-court-acquits-jamii-forums-founders-on-one-of-three-charges/>, (accessed June 19, 2019).

abuses at a February rally in Dar es Salaam in which a student was killed; he called for students to demonstrate.

As his abductors drove him to an unknown destination, Nondo wrote a message to a friend on his cellphone saying, “Am at risk.” After a few hours his captors dumped him in Mafinga, a town in Iringa district 560 kilometers from Dar es Salaam. Nondo reported his abduction to police at Mafinga police station but he told Human Rights Watch that they immediately accused him of fabricating his story because he did not appear to have injuries:

All of [the police] turned against me [and said] that I was cheating, and I gave false information. [...] They said they realized I am used by politicians to spoil the image of the government and I should be with them for further investigation.<sup>85</sup>

The police detained Nondo and transferred him the next day to Dar es Salaam where he was held without charge for two weeks before being released on bail. He was eventually charged with publication of false information under the Cybercrimes Act, for sending his friend the “Am at risk” text, as well as for allegedly giving false information to a person employed in the public service contrary to the penal code when he reported his abduction to the police.

Nondo told Human Rights Watch that he was beaten and slapped, while being interrogated by police for up to 12 hours every day during his detention. During his trial, according to Nondo, immigration officials also summoned him to provide proof of his Tanzanian citizenship.<sup>86</sup> On November 5, 2018 the magistrates court of Iringa acquitted Nondo of both charges.<sup>87</sup>

Authorities have also arrested and, at times, beaten journalists while they are covering events, releasing those arrested without charging them with any crime. In May 2017 police arrested 10 journalists covering the deaths of 35 people, including 32 school children from Lucky Vincent school in Arusha, who were killed when a bus they were

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<sup>85</sup> Human Rights Watch telephone interview with Abdul Nondo, a student activist in Dar es Salaam, November 15, 2018.

<sup>86</sup> Human Rights Watch telephone interview with Abdul Nondo.

<sup>87</sup> Josephine Christopher, “Acquitted Nondo now seeks to rebuild his life as a student,” *The Citizen*, November 7, 2018, (accessed September 25, 2019), <https://www.thecitizen.co.tz/News/Acquitted-Nondo-now-seeks-to-rebuild-his-life-as-a-student-/1840340-4840876-wr496x/index.html>.

travelling in crashed into a roadside ravine in Karatu, Arusha, on May 6.<sup>88</sup> Police arrested the journalists, from various media houses, alongside several others including local officials, at a ceremony to pay respects to the families of the students. The acting Arusha Regional Police Commander Yusuph Ilembu said police arrested them “for holding an unlawful meeting.”<sup>89</sup> The police detained the journalists and others at the police station, and, after a few hours released the journalists without charge.<sup>90</sup> One of the journalists told Human Rights Watch that they were forced to kneel at gunpoint when they were arrested.<sup>91</sup>

On August 8, 2018, police arrested journalist Sitta Tumma in Tarime district in north Tanzania, as he reported on police dispersing an opposition rally. Tumma was initially covering the campaign rally held by a Chadema candidate in by-elections in the district. Police announced they had cancelled the rally and were attempting to disperse the crowd.<sup>92</sup>

Tumma told Human Rights Watch that as he was covering the unfolding events and took pictures of police arresting Chadema parliamentarian Esther Matiko, policemen ran toward him. He identified himself as a journalist by showing them his ID, but they still arrested him and threw him in the back of a waiting police pick-up, while taunting him and attempting to take his camera: “They continued to kick me on the back and the waist, and they were making fun of me. They wanted to take the camera but I wouldn’t let it go.”<sup>93</sup> Tumma was detained overnight and released but not charged.

In Dar es Salaam, at a football match at the Tanzania National Stadium on the same day of Tumma’s arrest, anti-riot police beat Silas Mbise, a radio sports reporter, covering the event. Mbise later told the media that the police officers targeted him after he challenged them for blocking himself and other journalists from accessing the

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<sup>88</sup> “Tanzania bus crash: Dozens of pupils killed in Arusha,” *Aljazeera*, May 7, 2017, (accessed June 19, 2019), <https://www.aljazeera.com/news/2017/05/tanzania-bus-crash-dozens-pupils-killed-arusha-170506141134295.html>.

<sup>89</sup> Ismail Akwei, “Mayor, journalists ‘mistakenly’ arrested at Tanzania bus crash victims’ school,” *Africa News*, May 19, 2017, (accessed June 9, 2019), <https://www.africanews.com/2017/05/19/mayor-journalists-mistakenly-arrested-at-tanzania-bus-crash-victims-school/>.

<sup>90</sup> The Citizen Reporter, “These are the journalists arrested at Lucky Vincent,” *The Citizen*, May 18, 2017, (accessed June 19, 2019), <https://www.thecitizen.co.tz/News/1840340-3932178-gwn64vz/index.html>.

<sup>91</sup> Human Rights Watch interview with Kairo A., journalist, Arusha, February 5, 2019.

<sup>92</sup> “Opposition MP Matiko held for ‘unlawful assembly’ in Tarime,” *IPP Media*, August 10, 2018, (accessed June 19, 2019), <https://www.ippmedia.com/en/news/opposition-mp-matiko-held-%E2%80%99unlawful-assembly%E2%80%99-tarime>.

<sup>93</sup> Human Rights Watch telephone interview with Sitta Tuuma, journalist, Mwanza, September 11, 2018.

event.<sup>94</sup> The beating was caught on video seen by Human Rights Watch, as he lay on the ground with his hands in the air. Police said the beating was justified because Mbise had “failed to follow police orders.”<sup>95</sup>

On July 29, 2019, six plain-clothed policemen arrested high-profile investigative journalist Erick Kabendera from his home in Dar es Salaam, also taking his and others’ passports.<sup>96</sup> The next day police confirmed that they were holding him to determine his citizenship.<sup>97</sup> On August 5, however, during a bail hearing, prosecutors charged him with non-bailable offenses related to money laundering, tax evasion and leading organized crime that they claimed he committed between January 2015 and July 2019.<sup>98</sup> Kabendera had written for several international publications critiquing Tanzanian politics, including *The East African*, *The Guardian* and *The Times of London*. His most recent article prior to his arrest had been published on July 27 in *The East African* and reported on possible internal divisions within CCM ahead of the 2020 presidential elections.<sup>99</sup> His lawyer claimed that he was arrested because of his work.<sup>100</sup> At time of writing, Kabendera was still detained.<sup>101</sup>

On August 22, 2019 police detained journalist Joseph Gandye in Dar es Salaam following a police summons. Gandye, a production and associate head at Watetezi TV, an online channel established by the Tanzania Human Rights Defenders Coalition (THRDC), published an investigative piece on police brutality at the Mafinga police station in Iringa in central Tanzania on August 9, 2019. Police told the Committee to Protect Journalists that the journalist was “being questioned to clarify discrepancies

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<sup>94</sup> “Silas Mbise: Kanda ya video yaonyesha mwandishi alivyopigwa na polisi Tanzania,” *BBC Swahili*, August 10, 2018, (accessed September 25, 2019), <https://www.bbc.com/swahili/habari-45145261>.

<sup>95</sup> The Citizen Reporter, “Journalist disobeyed orders, says IGP,” *The Citizen*, August 17, 2018, (accessed June 19, 2019), <https://www.thecitizen.co.tz/News/Journalist-disobeyed-orders--says-IGP/1840340-4716518-2nknow/index.html>.

<sup>96</sup> Committee to Protect Journalist, “Unidentified men take Erick Kabendera from Tanzanian home,” July 29, 2019, <https://cpj.org/2019/07/tanzania-erick-kabendera-police-abducted.php>, (accessed September 24, 2019).

<sup>97</sup> The Citizen Reporter, “Police confirm they are holding journalist Eric Kabendera over citizenship,” *The Citizen*, July 30, 2019, (accessed September 26, 2019), <https://www.thecitizen.co.tz/news/1840340-5216234-98v6r7/index.html>.

<sup>98</sup> The Citizen Reporter, “Held Journalist Erick Kabendera charged with unbailable offences of organized crime and money laundering,” *The Citizen*, August 5, 2019, (accessed September 26, 2019), <https://www.thecitizen.co.tz/news/1840340-5223970-99fsam/index.html>.

<sup>99</sup> Erick Kabendera, “No end in sight as Tanzania’s ruling party CCM goes for ‘dissenters’,” *The East African*, July 27, 2019, (accessed September 26, 2019) <https://www.theeastafrican.co.ke/news/ea/No-end-in-sight-as-tanzania-ccm-goes-for-dissenters/4552908-5212332-belkua/index.html>.

<sup>100</sup> BBC, “Tanzanian journalist Kabendera ‘to face sedition charges’,” *The East African*, August 2, 2019, (accessed September 26, 2019), <https://www.theeastafrican.co.ke/news/ea/Tanzanian-journalist-erick-kabendera-to-face-sedition-charges/4552908-5220936-utp3sgz/index.html>.

<sup>101</sup> Reuters, “Kabendera lawyer appeals to Tanzanian president for pardon,” *The East African* October 1, 2019, (accessed October 3, 2019), <https://www.theeastafrican.co.ke/news/ea/Kabendera-lawyer-appeals-Tanzania-president-pardon/4552908-5294494-ab1kdt/index.html>

between his reporting and medical reports into the detainees.”<sup>102</sup> On August 23, the police released Gandye without charge and at the time of his release told him to report back to the police twice.<sup>103</sup>

## Abductions

Human Rights Watch research indicates that Tanzanian authorities have not conducted adequate investigations into the abductions of two journalists.

In March 2016 unknown men abducted Zanzibar-based journalist Salma Said at Julius Nyerere International Airport in Dar es Salaam, two days before the re-run of presidential elections in Zanzibar. Said told Human Rights Watch that she had previously received telephone calls from unknown people telling her not to report on the forthcoming elections. She reported the calls to the police but said that they were dismissive of her report and told her to “just go.”<sup>104</sup>

Fearing for her safety, Said traveled to Dar es Salaam on March 18, where three men grabbed and forced her into a car at the airport. They covered her face and drove her to an unknown location where they beat, threatened to kill her, and asked her why she was reporting on the elections. On March 20, the men dumped her in the same place from which she was abducted. Said told Human Rights Watch that since her attack, she has struggled with her memory due to being beaten on her head.<sup>105</sup>

In November 2017, Anna Pinoni reported to police that her husband, freelance journalist Azory Gwanda, was missing. She told the media that he was been picked up from their home in Kibiti, 140 kilometers south of Dar es Salaam, by people in a white vehicle.<sup>106</sup> At the time, Gwanda had been investigating a spate of unresolved killings in the southern Pwani region.<sup>107</sup> At time of writing, authorities had failed to provide

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102 Committee to Protect Journalist, “Tanzania detains Watetezi TV journalist over investigation of police,” August 23, 2019, <https://cpj.org/2019/08/tanzania-detains-watetezi-tv-journalist-over-inves.php>, (accessed September 16, 2019).

103 AFP, “Tanzanian journalist released after arrest over ‘false’ news: lawyer,” *Daily Nation*, August 24, 2019, (accessed September 13, 2019), <https://www.nation.co.ke/news/africa/Tanzania-journalist-arrested-over--fake-news--released/1066-5248084-tvkd8pz/index.html>; Human Rights Watch telephone interview with Jones Sendodo, lawyer, September 3, 2019.

104 Human Rights Watch interview with Salma Said, Journalist, Zanzibar, January 30, 2019.

105 Ibid.

106 The Citizen Reporter, “Pressure over missing journalist mounts,” *The Citizen*, December 8, 2017, (accessed September 15, 2019), <https://www.thecitizen.co.tz/News/Pressure-over-missing-journalist-mounts/1840340-4219802-1t612pz/index.html>.

107 Committee to Protect Journalists, “#WhereIsAzory?” <https://cpj.org/whereisazory/>, (accessed September 25, 2019).

answers. In July 2017, Home Affairs Minister Kangi Lugola appeared to characterize Gwanda as having gotten lost, disclaiming any responsibility to investigate such cases.<sup>108</sup>

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<sup>108</sup> Bakari Kiongo, “Tanzania Home Affairs Minister Says Govt Not Involved with Finding Mwananchi Reporter,” All Africa, July 6, 2018, (accessed June 19, 2019), <https://allafrica.com/stories/201807060782.html>.

### III. Restrictions on Civil Society Organizations

The president is anti-civil society organizations. For him CSOs are his enemies, especially the human rights organizations, because when he goes contrary to the human rights principles, we normally tell him. So now he is working very hard to silence these.<sup>109</sup>

Edward R., activist, Arusha, February 2019

#### Bureaucracy and Restrictions on Movement

Authorities have enacted many restrictions on how civil society organizations operate. The NGO sector was previously governed by the NGOs Act of 2002, NGO Regulations of 2004, which implemented the act, and a 2001 national NGO policy. In August 2017, the administration of President Magufuli suspended the registration of new NGOs when it began a verification exercise for existing NGOs.<sup>110</sup> As part of this process, the government required NGOs to submit a letter from the region, district or municipality the organization was registered in to confirm its existence as well as a copy of the NGO's constitution, certified by the registrar of NGOs at zonal offices. NGOs that failed to comply in the exercise were threatened with deregistration, although Human Rights Watch is unaware of the government deregistering any NGOs as a result.<sup>111</sup>

Following this, in 2018, the 2004 NGO regulations were amended to introduce new financial and accountability requirements for NGOs. The new regulations made it mandatory for NGOs to publicly declare sources of funds, as well as expenditures and activities they intend to undertake within 14 days of obtaining such funds, under threat of deregistration.<sup>112</sup> NGO workers told Human Rights Watch that authorities were not receptive to feedback on the new regulations during consultative meetings before they were passed.<sup>113</sup> In 2019, Parliament proposed an amendment to the NGOs Act to give

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<sup>109</sup> Human Rights Watch interview with Edward R., working at Haki Madini, Arusha, February 8, 2019.

<sup>110</sup> "Tanzania suspends registration for new NGOs," *Xinhua Net*, August 21, 2017, (accessed June 19, 2019), [http://www.xinhuanet.com/english/2017-08/21/c\\_136543741.htm](http://www.xinhuanet.com/english/2017-08/21/c_136543741.htm).

<sup>111</sup> Ibid.

<sup>112</sup> Non-Governmental Organizations Act (Regulations), Government Notice No. 609 of 2018, [http://www.mcdgc.go.tz/data/GN\\_609\\_NGOs\\_ACT\\_AMENDMENTS.pdf](http://www.mcdgc.go.tz/data/GN_609_NGOs_ACT_AMENDMENTS.pdf), (accessed October 14, 2019), reg. 12.

<sup>113</sup> Human Rights Watch group interviews with Jennifer B. and Edward R., workers with an Arusha-based organization, Arusha, February 8, 2019.

the registrar of NGOs the power to suspend the operation of organizations operating contrary to the provisions of the Act.<sup>114</sup>

Regional and district commissioners have used their wide executive powers to arbitrarily block NGOs from accessing people residing within their jurisdictions. Several NGO representatives interviewed in Dar es Salaam and Arusha told Human Rights Watch that they are not allowed to travel to communities without the permission of district or regional commissioners.<sup>115</sup> An NGO worker in Arusha described an experience where their organization attempted to implement a project in another district 350 kilometers away:

We paid a courtesy visit to the district commissioner and from there things changed. They said we need a permit to go to the location of our project. He said, “Does the regional commissioner know about this?” And we were supposed to travel about 80 kilometers to seek for the permits [from the regional commissioner]. Now at the regional commissioner’s office they said we need to get a permit from the Ministry of Local Government in Dodoma. The regional commissioner’s office is in Tanga. Dodoma is about 469 kilometers away and Arusha is like 300 kilometers away. This is really a complication.<sup>116</sup>

In another case, NGO workers said authorities required the organization’s staff to be accompanied by a government official when conducting activities, despite there being no such requirement in the law.<sup>117</sup>

In April 2019, authorities at Julius Nyerere International Airport in Dar es Salaam detained and eventually deported Wairagala Wakabi, director of a regional organization, the Collaboration on International ICT Policy in East and Southern Africa (CIPESA). Wakabi was planning to attend a human rights event organized by the

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<sup>114</sup> Written Laws (Miscellaneous Amendments) ACT, No. 3 of 2019, <https://www.humanrights.or.tz/assets/images/upload/files/THE%20WRITTEN%20LAWS%20%28NO.3%29%20CERTIFICATE%20OF%20URGENCY%2011%20June%202019.pdf>, (accessed October 14, 2019), sec 26.

<sup>115</sup> Human Rights Watch group interview with Edna R. and Patricia T., working for an NGO, Dar es Salaam, August 6, 2018; Human Rights Watch interviews with Edward C., worker with pastoral rights NGO, Arusha, February 8, 2019, and Miguel H., NGO worker, Arusha, February 7, 2019

<sup>116</sup> Human Rights Watch interview with Edward C., worker with pastoral rights NGO in Arusha, February 8, 2019.

<sup>117</sup> Human Rights Watch group interview with Edna R. and Patricia T., working for an NGO, Dar es Salaam, 6 August 2018.

Tanzania Human Rights Defenders Coalition where CIPESA was set to receive an award for its work on protecting human rights online.<sup>118</sup>

## Research Permits and Immigration Status

Authorities have also drawn on existing regulations that apply to research permits and immigration visas to prevent some groups from operating.

On November 14, 2017, government officials from the Commission on Science and Technology (COSTECH) and the Ministry of Home Affairs prevented Human Rights Watch from holding a news conference in Dar es Salaam to launch a report on the abuse of Tanzanian migrant domestic workers in Oman and the United Arab Emirates. COSTECH was established in 1986 through an Act of Parliament to monitor and coordinate scientific research and technology development.<sup>119</sup>

Six officials—two officials from COSTECH and four from the Home Affairs Ministry—arrived at the press conference venue an hour before it was due to start and demanded its cancellation because they claimed Human Rights Watch did not have a permit to conduct research. Both the COSTECH and the two Human Rights Watch staff that were present at the time gave statements to the press about the closure of the press conference. William Kindekete of COSTECH said that the event was blocked because the visas of Rothna Begum and Audrey Wabwire, the two Human Rights Watch staff members, “do not identify them as researchers, but just visitors; so they aren’t allowed to work in the country.”<sup>120</sup> However, Begum and Wabwire entered Tanzania on valid business visas and entry permits. In addition, on the day of the event when demanding its cancellation, the officials did not request to examine their passports and had insisted only that they needed research permits to conduct research. They also gave inconsistent information on what approval would be required to hold the press conference.

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118 “CIPESA Executive Director Detained at Tanzania Airport,” Statement by the Collaboration on International ICT Policy for East and Southern Africa (CIPESA), April 25, 2017, <https://cipesa.org/2019/04/cipesa-executive-director-detained-at-tanzania-airport/>, (accessed June 19, 2019).

119 The Tanzania Commission For Science and Technology Act, No. 7 of 1986 [https://healthresearchweb.org/files/sdh\\_net/COSTECHparliamentaryact.pdf](https://healthresearchweb.org/files/sdh_net/COSTECHparliamentaryact.pdf), (accessed September 21, 2019).

120 Witness Robert, “Costech bans Human Rights Watch report on domestic workers’ abuse,” *The Citizen*, November 14, 2017, (accessed June 19, 2019), <https://www.thecitizen.co.tz/News/1840340-4186396-4aoptwz/index.html>.

Later that day, Begum and Wabwire met with a senior research officer from COSTECH and presented all the letters Human Rights Watch had sent government officials over the previous year. The official claimed that COSTECH not only provides approval for research but has to review research findings before allowing it to be disseminated.<sup>121</sup>

At the outset of research for the report in 2016, and in the lead up to the launch of the report in 2017, Begum met with senior government ministry officials with the approval from their respective permanent secretaries at the labour, home affairs, and foreign affairs ministries in Dar es Salaam and Zanzibar. Human Rights Watch wrote to all relevant ministries and maintained contact with officials over the course of the research period.<sup>122</sup> During these meetings none of the officials suggested there were any issues with Human Rights Watch's presence and expressed interest in the report findings.

On November 15, Human Rights Watch met with a Foreign Ministry official to discuss the findings of the report and raised the issue of the cancellation of the press conference. On December 1, 2017, Human Rights Watch wrote to the minister of foreign affairs to relay its concerns about the shut-down of the press conference but did not receive a response.<sup>123</sup>

On July 11, 2018, COSTECH contacted the organization Twaweza regarding the publication of a report on its survey, Sauti za Wananchi or "Citizens Voices," saying they were not given a permit to conduct the survey. The survey indicated that President Magufuli's public approval rating had dropped significantly in 2018. Thereafter, immigration authorities seized the passport of the director of Twaweza, Aidan Eyakuze, barring him from leaving the country, pending an investigation into his Tanzanian citizenship.<sup>124</sup> Authorities have similarly challenged the citizenship of several other NGO representatives and journalists, as described below.

In another example involving foreign researchers, on November 7, 2018, authorities in Dar es Salaam detained two staff of the international NGO Committee to Protect

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121 Human Rights Watch interview with COSTECH official, Dar es Salaam, November 14, 2017.

122 Human Rights Watch wrote letters to Labor, Home Affairs, and Foreign Affairs Ministries with requests for meetings, research questions, and findings, including on October 13, 2016, October 23, 2017, and November 13, 2017. In addition, over the course of the research period, Human Rights Watch also remained in contact by email and phone with officials of the Labor and Home Affairs Ministries.

123 Human Rights Watch letter to Ambassador Dr. Augustine Mahiga, Minister of Foreign Affairs and East African Cooperation, December 1, 2017.

124 Beatrice Materu, "Tanzania withholds Twaweza director's passport," *The East African*, August 3, 2018.

Journalists (CPJ), Angela Quintal, Africa program coordinator and Muthoki Mumo, its sub-Saharan Africa representative. Officers identifying themselves as immigration officials initially questioned, then arrested the pair at their hotel at about 9 p.m. According to CPJ, the officials looked through their belongings, confiscated their passports, and drove them to a house at an unknown location where they were detained and interrogated overnight. Officials questioned them about who they had met, what they were researching, and why they were in Tanzania. Quintal told Human Rights Watch that the officials were particularly interested in discussions the two had with local organizations about Azory Gwanda, a journalist who had gone missing in 2017 while investigating troubling reports of killings in the Pwani region, as discussed above.<sup>125</sup>

The CPJ said their staff members were on a fact-finding mission and that they had legal permits to visit the East African nation.<sup>126</sup> Authorities later said Quintal and Mumo had violated their entry requirements in the country by “holding meetings with local journalists and that’s contrary to the conditions of their entry permits.” The officials released the two CPJ staff the following morning, returned their passports, and encouraged them to acquire proper visas the next time.<sup>127</sup>

## Deregistration and Threats to Deregister and Suspend

As discussed above, authorities threatened to deregister NGOs in Tanzania for failing to comply with the complex requirements introduced during the review of the national NGO policy in 2017.

While such threats became less common after the government completed reviewing the national NGO policy, two NGO workers in Zanzibar told Human Rights Watch that organizations there continue to face threats of deregistration or suspension especially those working on issues the government considers politically-sensitive, including extractive issues, the rights of people with albinism, land, civil and political rights, as well as the rule of law.

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<sup>125</sup> Human Rights Watch telephone interview with Angela Quintal, a worker with Committee for the Protection of Journalists, November 10, 2018.

<sup>126</sup> Abdi Latif Dahir, “Tanzania’s government has detained Africa’s top free press advocates,” *Quartz Africa*, November 8, 2018, (accessed June 19, 2019), <https://qz.com/africa/1455639/tanzania-arrests-two-committee-to-protect-journalists-staff/>.

<sup>127</sup> Gadosa Lamtey, “Tanzania: Immigration official explains reasons for arresting CPJ journalists,” *The Citizen*, November 8, 2018, (accessed June 19, 2019), <https://www.thecitizen.co.tz/News/Tanzania-Immigration-official-explains-reasons/1840340-4842582-qolxfrz/index.html>.

Whenever you address the issues of rule of law and governance, they are termed and labeled ‘political activities.’ I say I’m trying to be a good citizen. But when you talk about these things, you won’t receive a lot of support and even some officials will not want to associate with you. <sup>128</sup>

In 2017, the Minister for Constitutional Affairs and Legal Affairs Harrison Mwakyembe, threatened to ban the Tanganyika Law Society, the association for lawyers based in mainland Tanzania, for allegedly engaging in politics.<sup>129</sup> His statements came amidst a campaign by opposition parliamentarian and lawyer, Tundu Lissu, to run for presidency of the association. While Mwakyembe’s remarks were widely criticized, Parliament passed an amendment to the Tanganyika Law Society Act in 2018 prohibiting individuals who are public servants, ward counsellors, members of parliament, and leaders of a political party from election to the law society’s governing body and prohibiting members of the governing body from engaging in a wide range of “political activities,” a violation of their rights to freedom of association and expression.<sup>130</sup>

On June 25, 2017, as noted above, Home Affairs Minister Mwigulu Nchemba threatened to deregister organizations that spoke out against the president’s controversial June 22 statement banning pregnant girls and teen mothers from attending school, to arrest activists working to “protect homosexual interests,” deregister their organizations, and to prosecute or deport foreigners working to protect rights of LGBT people. <sup>131</sup>

In October 2017, following a raid described below of a workshop organized by an NGO, the Community Health Education Services & Advocacy (CHESA), an organization working to protect sex workers’ rights in Tanzania, and the Initiative for Strategic Litigation in Africa (ISLA), a South Africa based pan-African organization advancing women’s and sexual rights, the government suspended CHESA “to enable the conduct

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128 Human Rights Watch interview with Sam O., Zanzibar, 28 January 2019; Human Rights Watch interview with Kingston H., NGO worker, Zanzibar, January 28, 2019.

129 Beatrice Materu, “Tanzania threatens to ban law society over ‘politicking’,” *The East African*, February 20, 2017, <https://www.theeastafrican.co.ke/news/2558-3820956-view-printVersion-12424r3z/index.html> (accessed June 19, 2019).

130 Written Laws (Miscellaneous Amendments), sec 107. As amended, the act defines “political activities” to include “contesting for a political post within a political party as defined by the Political Parties Act or in any other partisan elections;” “campaigning for or against a candidate in partisan elections;” “making campaign speeches;” “collecting contributions or raising funds for any political party;” “organizing or managing political rallies or meetings;” or “holding office in political parties.”

131 AFP, “Tanzania vows to arrest those ‘protecting’ gay interests,” *News24*, June 26, 2016, (accessed August 30, 2019), <https://www.news24.com/Africa/News/tanzania-vows-to-arrest-those-protecting-gay-interests-20170626>; See also section I.

of the investigation into allegations involving the organization in the promotion of marriages between persons of the same sex.”<sup>132</sup>

In April 2019 the NGO Coordination Board deregistered CHESA, Kazi Busara na Hekima (KBH Sisters), and AHA Development Organization Tanzania based on claims that they violated Tanzanian law, ethics and culture.<sup>133</sup>

## Raids and Arbitrary Arrests

Tanzanian authorities have arrested members of civil society groups and individuals working on a range of topics, at times during raids on NGO offices or activities, and, in one case, brought criminal charges against NGO representatives in apparent retaliation for their work. The most significant crackdown has been on individuals and organizations that work to uphold the rights of LGBT people.

An LGBT activist told Human Rights Watch that police arrested him in 2016 in southwestern Tanzania, accusing him of “promoting homosexuality”, which is not a crime in Tanzania, while he conducted access to health services activities with his organization. The police released the activist the next day after he was forced to pay a bribe.<sup>134</sup>

In August 2016, police raided CHESA, searching for water-based lubricants and confiscating copies of a shadow report that 15 organizations working on LGBT rights had submitted for Tanzania’s Universal Periodic Review at the UN Human Rights Council.<sup>135</sup> A series of police raids on meetings and workshops organized by groups working on LGBT rights followed. This included a December 14, 2016 raid on a meeting in Dar es Salaam (on sexual and reproductive health programming **convened for** Tanzanian organizations providing services to key populations, including sex workers and men who have sex with men. Police arrested eight participants and took them. This included a December 14, 2016 raid on a meeting in Dar es Salaam on sexual and

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<sup>132</sup> Nick Duffy, “Tanzania bans charity for ‘promoting homosexuality’ amid horrifying homophobic purge,” *Pink News*, October 21, 2017, (accessed June 19, 2019), <https://www.pinknews.co.uk/2017/10/21/tanzania-bans-charity-for-promoting-homosexuality-amid-horrifying-homophobic-purge/>.

<sup>133</sup> The Citizen Reporter, “Tanzania: Board revokes six NGOs’ license,” *The Citizen*, April 19, 2019, (accessed June 19, 2019), <https://www.thecitizen.co.tz/News/Tanzania--Board-revokes-six-NGOs--license/1840340-5079110-rucoiqz/index.html>.

<sup>134</sup> Human Rights Watch interview with Peter M., a worker with an LGBT-rights NGO, Dar es Salaam, June 19, 2018.

<sup>135</sup> Human Rights Watch email correspondence with regional LGBT rights activist, August 16, 2016.

reproductive health programming hosted by the Nairobi-based Open Society Initiative for East Africa (OSIEA). Police arrested eight participants including OSIEA staff and took them to the central police station for interrogation. They were released the same day without charge, but police summoned four Tanzanian participants for follow up questioning several times after this.<sup>136</sup>

On September 15, 2017 police raided a workshop in Zanzibar, hosted by local organization Bridge Initiative Organization (BIO) on parent involvement in HIV prevention and support for family members from at-risk populations, including gay men, claiming BIO was promoting same sex relationships.<sup>137</sup> Police detained 20 people for several hours but released them later the same day.<sup>138</sup>

In October 2017, police raided a meeting co-hosted by CHESA and the South-Africa based ISLA, which aimed to explore the possibility of mounting legal challenges to the government's ban on drop-in centers serving key populations at risk of HIV and the ban on importation of water-based lubricants.<sup>139</sup> Dar es Salaam's head of police ordered the arrests of the 12 lawyers and activists participating in the meeting, including two South Africans, one Ugandan and nine Tanzanian nationals for "promoting homosexuality."<sup>140</sup>

Initially police allowed the lawyers and activists to be released on bail the next day, but revoked the bail three days later and re-arrested them on unknown charges. While detaining them, police threatened to subject the lawyers and activists to forced anal examinations, a discredited method of seeking evidence of homosexual conduct that is cruel and degrading and can amount to a form of torture.<sup>141</sup> Police then released them on October 26, after nine days in jail, and deported all foreign workshop participants a

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<sup>136</sup> Andrew Green, "In an apparent crackdown, Tanzania government raids NGO meeting on reproductive rights," *Devex*, January 6, 2017, (accessed October 1, 2019), <https://www.devex.com/news/in-an-apparent-crackdown-tanzania-government-raids-ngo-meeting-on-reproductive-rights-89394>.

<sup>137</sup> "Zanzibar Police Nab 20 Over Homosexuality," *Daily News*, September 17, 2017, (accessed October 3, 2019), <https://www.dailynews.co.tz/news/zanzibar-police-nab-20-over-homosexuality.aspx>.

<sup>138</sup> Human Rights Watch email correspondence with a regional activist familiar with the incident, December 2016; Human Rights Watch.

<sup>139</sup> Press statement by CHESA and ISLA, October 20 2017, [https://www.hrw.org/sites/default/files/supporting\\_resources/lgbt10\\_tanzania\\_isla\\_chesa\\_pressstatement20171020.pdf](https://www.hrw.org/sites/default/files/supporting_resources/lgbt10_tanzania_isla_chesa_pressstatement20171020.pdf), (accessed on October 10, 2019).

<sup>140</sup> "Facing Prosecution for Challenging HIV Policies in Tanzania," Human Rights Watch news release, October 20, 2017, <https://www.hrw.org/news/2017/10/20/facing-prosecution-challenging-hiv-policies-tanzania>.

<sup>141</sup> Human Rights Watch interview with Sibongile Ndashe, executive director of ISLA, Cape Town, July 8, 2019.

day later.<sup>142</sup> The nine nationals were released and never tried. As discussed above, authorities suspended CHESA following the raid of its meeting, falsely claiming that it was promoting gay marriage.<sup>143</sup>

Authorities have also targeted staff of organizations working on mining. On July 12, 2017 police arrested Bibiana Mushi and Nicholas Ngelela Luhende of the Mwanza-based NGO Actions for Democracy and Local Governance (ADLG) as they conducted a capacity building workshop for local government officials working in mining areas near Kishapu in the Shinyaga region, northern Tanzania. Prosecutors charged them with “disobedience of statutory duty” under Section 123 of the penal code, alleging that the two were operating outside the scope of their organization’s mandate and the NGO law. Four months later, the Kishapu district court acquitted charges Mushi and Luhende of the charges against them.<sup>144</sup>

In Zanzibar, an NGO worker with an organization that provides health and reproductive education to LGBT groups told Human Rights Watch that police raided their offices in 2018, following a sting operation against sex workers. The police destroyed and took property including a computer and external hard drives because they claimed that the organization was working with sex workers.<sup>145</sup>

## Disputing Nationality

Authorities have frequently raised questions about the nationality of government critics to both frustrate and silence them. Human Rights Watch is aware of several cases in the last five years of immigration authorities seizing passports or questioning or summoning individuals to prove their nationality following their criticism of the government.

In 2017, immigration officials visited the offices of the Tanzania Human Rights Defender Coalition (THRDC), an NGO in Dar es Salaam, and questioned its director Onesmo

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<sup>142</sup> Multiple Human Rights Watch telephone interviews and email communications, October 2017.

<sup>143</sup> AFP, “Tanzania suspends NGO for 'promotion' of gay marriage,” *News 24*, October 21, 2019, (accessed June 19, 2019), <https://www.news24.com/Africa/News/tanzania-suspends-ngo-for-promotion-of-gay-marriage-20171021>.

<sup>144</sup> “Bibiana Mushi acquitted,” Front Line Defenders, November 2, 2017, <https://www.frontlinedefenders.org/en/case/judicial-harassment-two-human-rights-defenders-o> (accessed June 19, 2019).

<sup>145</sup> Human Rights Watch interview with Kingston H., director of a Zanzibar-based NGO, Zanzibar, January 28, 2019.

Olengurumwa about his nationality.<sup>146</sup> Authorities denied that his activism motivated the investigation.<sup>147</sup> THRDC works towards enhancing the security and protection of human rights defenders in Tanzania and in 2017, Olengurumwa told the media that he believed the harassment had to do with his activism on land rights in Loliondo in northern Tanzania.<sup>148</sup> Bishop Severine Niwemugizi, a Catholic bishop for Rulenge-Ngara, who had reportedly said that Magufuli's presidency would fail if he did not resume the stalled constitutional review process, was summoned by immigration officials also in September 2017.<sup>149</sup>

In 2018, as discussed above, immigration officials questioned both Twaweza director Aidan Eyakuze and student activist Abdul Nondo. Nondo told Human Rights Watch that after the officials questioned him about his origins, “[t]hey told me they will continue with investigating if I am Tanzanian or not. And if they find I am not Tanzanian they will take me to court.”<sup>150</sup> An NGO director told Human Rights Watch that he and his children were repeatedly harassed by immigration authorities after his organization carried out work that implicated high ranking government officials in human rights violations.<sup>151</sup>

This has also affected journalists. Michael O., a journalist in northern Tanzania told Human Rights Watch that after he published a story about land rights, immigration authorities called him to “asked me where my father and where I was born.”<sup>152</sup> In 2019, as also discussed above, police said they had arrested journalist Erick Kabendera to question him about his nationality. Kabendera had written for several international publications critiquing Tanzanian politics. The inquiry into his nationality was later dropped as prosecutors charged him with offenses related to money laundering, tax evasion and leading organized crime.

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<sup>146</sup> “Onesmo Olengurumwa interrogated,” Front Line Defenders September 21, 2017, <https://www.frontlinedefenders.org/en/case/onesmo-olengurumwa-interrogated> (accessed September 21, 2019).

<sup>147</sup> Khalifa Said, “Is citizenship now used to ‘fix’ critics?” *The Citizen*, October 4, 2017, (accessed June 19, 2019), <https://www.thecitizen.co.tz/magazine/politicalreforms/Show-me-my-nation--is-citizenship-new-tool-to-fix-critics-/1843776-4124160-114pi25/index.html>.

<sup>148</sup> Khalifa Said, “Is citizenship now used to ‘fix’ critics?” *The Citizen*.

<sup>149</sup> The East African, “Magufuli’s leadership style under fire as bishops accuse him of intolerance,” *The East African*, December 31, 2017, (accessed September 15, 2019), <https://www.theeastafrican.co.ke/news/ea/Church-versus-State-Tanzania-Magufuli-leadership/4552908-4246316-776hsiz/index.html>; Khalifa Said, “Is citizenship now used to ‘fix’ critics?” *The Citizen*.

<sup>150</sup> Human Rights Watch interview with Abdul Nondo, a student activist in Dar es Salaam, telephone interview, November 15, 2018.

<sup>151</sup> Human Rights Watch interview with Jack F., director of a Dar es Salaam-based NGO, Dar es Salaam, August 10, 2018.

<sup>152</sup> Human Rights Watch interview with Michael O., February 4, 2019.

## Office Bombings and Intimidation

In February 2016, unknown people threw a bomb into the yard of Omar Said Shabaan's law offices in Zanzibar. Shabaan, president of the Zanzibar Law Society, had publicly criticized the decision of the Zanzibar Electoral Commission to conduct a re-run of presidential election in Zanzibar that year. Police told Shabaan that investigations were ongoing, but at time of writing, there have been no arrests.<sup>153</sup>

On August 26, 2017 unidentified armed men bombed the office of a law firm IMMMA Advocates in Dar Es Salaam, which belonged to Fatma Karume, legal counsel to Tundu Lissu, then Tanganyika Law Society president and opposition member of parliament. The bomb shattered windows and blasted an entrance open, according to reports.<sup>154</sup> Lissu had been a prominent critic of Magufuli. According to Karume, the police took video recordings of the office premises and did not do anything after that.<sup>155</sup> Two weeks later, unknown gunmen shot and severely injured Lissu at his residence in Dodoma, discussed below.<sup>156</sup>

NGO workers from nine organizations working on politically sensitive issues told Human Rights Watch that authorities, including regional and district commissioners, have written letters to NGOs, threatening action against them. For example, staff of one NGO told Human Rights Watch that they have received letters from district commissioners threatening them with arrest for advocating for the rights of communities affected by mining:

The letter was trying to stop us from acting on behalf of those whose rights were being violated because the government thought we were trying to oust the mining company so the government wouldn't get their taxes. The commissioner wrote saying that he would use his powers to

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<sup>153</sup> Human Rights Watch interview with Omar Said Shabaan, Zanzibar, 28 January 2019.

<sup>154</sup> The Citizen Reporter, "Tanzania: Law firm hit by an explosion," *The Citizen*, August 26, 2017, (accessed June 19, 2019), <https://www.thecitizen.co.tz/News/Tanzania--Law-firm-hit-by-suspected-bomb-blast-/1840340-4071592-30qkfx/index.html>.

<sup>155</sup> Human Rights Watch interview with Fatma Karume, lawyer, Dar es Salaam, February 11, 2019.

<sup>156</sup> "Tanzania's Tundu Lissu recovering after gun attack," *Al Jazeera*, September 8, 2017, <https://www.aljazeera.com/news/2017/09/tanzania-tundu-lissu-recovering-gun-attack-170908185550801.html> (accessed August 30, 2019).

arrest us for behavior contrary to his command. And he is in a position to close our offices so that we could no longer operate in his district.<sup>157</sup>

Several NGO representatives in Dar es Salaam, Zanzibar and Arusha told Human Rights Watch that police and, in one case, a government security agent verbally warned them to stop doing their work. Edward R, an activist working in Arusha told Human Rights Watch:

We could sometimes get phone calls. Threatening us. One of our colleagues who faced this..... Policemen came with their [police vehicles] and parked it outside the gate [outside the office] to tell them, “In case you do anything we are here.” Sometimes if you walk outside the gate you can see the police car following you.<sup>158</sup>

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<sup>157</sup> Human Rights Watch interview with Edward R., February 8, 2019.

<sup>158</sup> Human Rights Watch interview with Edward R., February 8, 2019.

## IV. Attacks and Restrictions on the Political Opposition

In 2016 Magufuli ordered that all political activities be suspended until 2020, effectively banning elected politicians from holding rallies outside their constituencies and limiting the geographic reach of many opposition politicians.<sup>159</sup>

In 2019, Parliament amended the Political Parties Act to restrict the independent operation of political powers by giving the registrar of political parties wide powers to deregister parties.<sup>160</sup> These amendments granted broad powers to the registrar of political parties to demand information from political parties, subjecting parties to a fine of up to 10 million Tanzania Shilling fine (about \$4364) if they failed to comply; to suspend individual members of political parties; and required institutions or individuals to get approval from the registrar to conduct civic education, or face criminal sanctions including a fine of imprisonment or a fine of up to five million Tanzania shillings (about \$2182).<sup>161</sup>

In addition to these restrictions on political activities, opposition party members have also faced multiple arrests and criminal charges apparently after publicly criticizing the government, during 2017 and 2018, a period when numerous by-elections for vacated parliamentary seats took place.<sup>162</sup> In October 2017, as discussed in section II, police arrested Zitto Kabwe, leader of ACT Wazalendo, an opposition party, apparently for breaching the Statistics Acts of 2015. Kabwe had made remarks about the economic growth of Tanzania. See section II above.

In February 2018, Joseph Mbilinyi, a parliamentarian in Mbeya with opposition party Chadema and Emmanuel Masonga, a party official, were sentenced to five months imprisonment in February for “insulting” Magufuli during a political rally the previous

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159 “Wait until 2020? No thank you!” *The Citizen*, July 6, 2016, (accessed September 23, 2019), <https://www.thecitizen.co.tz/magazine/politicalreforms/1843776-3282676-41051jz/index.html>

160 Fumbuka Ng'wanakilala, “Tanzania MPs grant government sweeping powers over political parties,” *Reuters*, January 30, 2019, (accessed August 30, 2019) <https://www.reuters.com/article/us-tanzania-politics/tanzania-mps-grant-government-sweeping-powers-over-political-parties-idUSKCN1PO0lA>.

161 Political Parties Amendment Act, No. 1 of 2019. [https://www.bunge.go.tz/polis/uploads/bills/acts/156345584-9.THE%20POLITICAL%20PARTIES%20\(AMENDMENT\)%20ACT,%202019.pdf](https://www.bunge.go.tz/polis/uploads/bills/acts/156345584-9.THE%20POLITICAL%20PARTIES%20(AMENDMENT)%20ACT,%202019.pdf), (accessed October 1, 2019).

162 Christopher Kidanka, “What next for Tanzania opposition in wave of defections to CCM?,” *The East African*, August 11, 2018, (accessed August 30, 2019), <https://www.theeastafrican.co.ke/news/ea/Tanzania-opposition-defections-to-CCM/4552908-4708012-103can6z/index.html>.

December. The MPs were alleged to have accused Magufuli of involvement in the attempted assassination of opposition politician Tundu Lissu in 2017.<sup>163</sup>



Police arrest CHADEMA politician Esther Matiko, and others during a rally in Tarime in northern Tanzania, August 8, 2018. © 2018 Sitta Tumma

Also in February 2018, a 21-year-old student, Akwilina Akwilini, was shot and killed as police attempted to disperse a Chadema demonstration.<sup>164</sup> Akwilini's killing sparked widespread condemnation against government repression and an increase in killings and abductions across the country.<sup>165</sup> In connection with the demonstration, nine opposition members, including the chairperson of Chadema, Freeman Mbowe, were charged with sedition, incitement of violence and holding an illegal rally. According to a media report, the charges against Mbowe for "inciting hatred" are based on a speech he gave during the demonstration in which he said Magufuli would not last long in his job.<sup>166</sup> In November a magistrate ordered the arrest of Mbowe and member of

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<sup>163</sup> Fumbuka Ng'wanakilala, "Tanzania opposition MP jailed for five months for insulting president," *Reuters*, February 26, 2018, (accessed June 19, 2019), <https://af.reuters.com/article/topNews/idAFKCN1GA1F-OZATP>.

<sup>164</sup> Legal and Human Rights Centre, "Human Rights Situation Report," August 2018, <https://www.humanrights.or.tz/assets/attachments/1535740958.pdf>, (accessed June 19, 2019).

<sup>165</sup> *Ibid.*

<sup>166</sup> AFP, "Tanzanian opposition leaders on trial for 'illegal' protest," *News24*, May 15, 2018, (accessed June 19, 2019), <https://www.news24.com/Africa/News/tanzanian-opposition-leaders-on-trial-for-illegal-protest-20180515>.

parliament Esther Matiko after both failed to attend earlier court sessions.<sup>167</sup> The high court eventually ordered their release and reinstatement of bail in March 2019.<sup>168</sup>

In September 2017, unidentified attackers shot and wounded Tundu Lissu, an outspoken member of parliament critical of the president, in Dodoma, forcing him to seek medical treatment in Kenya and Belgium.<sup>169</sup> Lissu, Chadema's chief whip, and president of the Tanganyika Law Society, had been arrested multiple times in 2017, including for "insulting words that are likely to incite ethnic hatred."<sup>170</sup> The government has said it is investigating the assassination attempt against Lissu.<sup>171</sup>

Within a fortnight in early 2018, unknown assailants brutally killed two Chadema officials. On February 13, the body of Daniel John, an official for Hananasif ward in the Kinondoni district of Dar es Salaam, was discovered along the coast of Dar es Salaam with machete wounds to the head.<sup>172</sup> On February 23, Godfrey Luena, a Chadema member and a councilor for Nemawala ward in Morogoro, was found dead outside his home.<sup>173</sup> Luena also worked as a human rights monitor, documenting illegal land appropriation. Police have said that investigation into John's death is ongoing, but there have been no arrests.<sup>174</sup>

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167 "Tanzania's opposition leader Freeman Mbowe arrested," *Daily Nation*, November 24, 2018, (accessed June 19, 2019), <https://www.nation.co.ke/news/africa/Tanzania-opposition-leader-arrested/1066-4866344-ma494l/index.html>.

168 "Tanzania opposition leader freed after nearly four months in jail," *The East African*, March 7, 2019, (accessed June 19, 2019), <https://www.theeastafrican.co.ke/news/ea/Tanzania-opposition-leader-freed-on-bail/4552908-5014268-yscdv6z/index.html>.

169 "Tanzania: Opposition MP Tundu Lissu wounded by gunmen," *Aljazeera*, September 7, 2017, (accessed June 19, 2019), <https://www.aljazeera.com/news/2017/09/tanzania-opposition-mp-tundu-lissu-wounded-gunmen-170907131959935.html>.

170 AFP, "Tanzanian MP in court for calling Magufuli dictator," *Daily Nation*, July 28, 2017, (accessed June 19, 2019), <https://mobile.nation.co.ke/news/africa/Tanzanian-MP-court-calling-Magufuli-dictator/3126394-4035970-format-xhtml-vy2y7tz/index.html>.

171 "Tanzania's Tundu Lissu recovering after gun attack," *Aljazeera*, September 8, 2017, (accessed June 19, 2019), <https://www.aljazeera.com/news/2017/09/tanzania-tundu-lissu-recovering-gun-attack-170908185550801.html>.

172 "Tanzanian opposition Chadema party leader beaten to death," *Daily Nation*, February 14, 2018, (accessed July 13, 2019), <https://www.nation.co.ke/news/africa/Tanzania-Chadema-leader-murdered/1066-4304584-r209f1/index.html>.

173 "Killing of land rights defender Godfrey Luena," Front Line Defenders, February 23, 2018, <https://www.frontlinedefenders.org/en/case/killing-land-rights-defender-godfrey-luena>, (accessed October 1, 2018).

174 Fumbuka Ng'wanakilala, "Tanzania police probe death of opposition campaigner," *Reuters*, February 14, 2018, (accessed June 19, 2019), <https://www.reuters.com/article/us-tanzania-politics/tanzania-police-probe-death-of-opposition-campaigner-idUSKCN1FY2SX>.

## V. Impact of Repression

Monitoring still goes on but direct threats are not there. They do that only when you start speaking out. If I call a press conference they will follow up. For as long as I am quiet, I am safe. But that is not life because you are always looking over your shoulder.

Jack F., director of a Dar es Salaam-based NGO, Dar es Salaam, August 2018

### Fear and Civil Society Self-Censorship

Many of the people Human Rights Watch spoke with talked about an increased sense of fear of reprisals for being critical of the government. To survive, civil society organizations have adopted self-censorship as a strategic response. One person talked about “sugarcoating” their messages to government because “criticizing” does not work under Magufuli’s government.<sup>175</sup>

NGO staff told Human Rights Watch that after they faced or witnessed reprisals against other organizations by the government, they have chosen to censor their work. One said “When you look at what has been happening, you know you can’t speak out directly.”<sup>176</sup> Some found this approach frustrating and counterproductive to addressing the problems they work on, while others saw it as an opportunity for civil society to “exercise responsibility” by keeping quiet and not challenging authorities.<sup>177</sup>

The Cybercrimes Act in particular has made civil society organizations fearful about their online messages, for fear of reprisals. One staff member of an NGO said that their organization has stopped publishing information for that reason:

We work on social media but don’t have a blog. We are trying to be very careful not to annoy the government. Even as individuals we are afraid of sharing things. Any document which could in one way or another create unhappiness, you are not supposed to share. Even if you receive that information, you are not allowed to have that information, you have to delete it.<sup>178</sup>

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<sup>175</sup> Human Rights Watch group interview with Edna R. and Patricia T., August 6, 2018.

<sup>176</sup> Human Rights Watch group interview with Edna R. and Patricia T., August 6, 2018.

<sup>177</sup> Human Rights Watch interview with Jack F., director of a Dar es Salaam-based NGO, Dar es Salaam, August 10, 2019.

<sup>178</sup> Human Rights Watch interview with Edward R., February 8, 2019.

Similarly, the Statistics Act, which previously prohibited the publication of independent statistics, caused civil society organizations to refrain from sharing statistical information that they gathered from their activities. One NGO worker in Dar es Salaam told Human Rights Watch: “We are at a point where we cannot share our statistics. If someone comes to ask us about our statistics, we tell them to go to the Director of Public Prosecutions.”<sup>179</sup>

Given the threats of deregistration and prosecution, some civil society actors feel they cannot publicly speak out and see international organizations and agencies, as well as foreign embassies as safer outlets for their work and critiques.<sup>180</sup> Local organizations choose instead to “go underground and work through embassies,” as well as through other groups, such as internationally based NGOs, that are not at risk of facing the same reprisals in country.<sup>181</sup>

In 2018, when Magufuli denounced family planning, many organizations working on reproductive and women’s rights were conspicuously silent. Staff at organizations told Human Rights Watch that they were afraid to speak out, given that in 2017, the Minister of Home Affairs threatened to deregister any organizations that challenged the president’s statement that girls that fall pregnant should not be allowed to attend school (see section I above). One NGO director told Human Rights Watch that this was the case following Magufuli’s remarks on family planning:

We suspect when the president says something, he doesn’t like it when two individuals or groups come out and speak against it or criticize it. And it happened when he banned pregnant women [girls] from continuing school and his response [to the criticism by NGOs] was, “Okay, we can shut down these NGOs even if we want these girls to go back to school.” So every time CSOs raise a voice I think he follows it up with instructing the responsible authorities to check on the NGOs<sup>182</sup>

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<sup>179</sup> Human Rights Watch group interview with Edna R. and Patricia T., August 6, 2018.

<sup>180</sup> Human Rights Watch telephone interview with Frederick N., director of a Dar es Salaam-based NGO, September 29, 2018.

<sup>181</sup> Ibid.

<sup>182</sup> Human Rights Watch interview with Igor S., director of a Dar es Salaam based NGO, Dar es Salaam, September 29, 2018.

Several NGO workers confirmed to Human Rights Watch that the media will not cover their press conferences or reports, particularly when the organization is critical of government actions. One said, “you can call the media, they will take the money but won’t air the story.”<sup>183</sup> NGOs said that they are forced to utilize alternatives such as international media or social media, while risky, to broadcast their work.<sup>184</sup>

The increasingly restrictive space for NGOs in Tanzania has made many organizations use the safety of a collective voice such as joint or group statements to address the issues they work on publicly. Several NGO workers told Human Rights Watch that the Tanzania Human Right Defenders Coalition, a Dar es Salaam-based organization that works to ensure the safety of about 6,000 human rights defenders in Tanzania, is a valuable resource.<sup>185</sup>

Despite this, infighting and disunity has plagued many networks of civil society organizations, particularly those working on LGBT rights. An activist told Human Rights Watch:

Prior to 2015 it was fine, but after 2016 many mainstream organizations pulled out of supporting LGBT groups because they don’t want to be marked as doing ‘promotion’ [of homosexuality]. Some are feeding them lies or there are infightings within the community where people report on each other to government.<sup>186</sup>

## Chilling Effect on the Media

The threats and actions taken by authorities against the media described above have had a chilling effect on journalists and media outlets. Several journalists told Human Rights Watch they feel that they cannot broadcast or publish on issues that could be considered critical of the government.<sup>187</sup> One said:

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<sup>183</sup> Human Rights Watch group interview with Edna R. and Patricia T., August 6, 2018.

<sup>184</sup> Human Rights Watch interview with Edward C., February 8, 2019.

<sup>185</sup> Human Rights Watch interview with Patricia T., August 6, 2018.

<sup>186</sup> Human Rights Watch interview with Peter M., June 19, 2018.

<sup>187</sup> Human Rights Watch interviews with Andrew S., journalist, Zanzibar, January 29, 2019; Michael O., journalist, February 4, 2019; Kairo A., Arusha, February 5, 2019; and Edward C., Arusha, February 8, 2019.

Our bosses tell us you have to be very careful nowadays and if you get any good news, even if you think it is good for people you but the government does not think it is good for them, don't publish it because anything can happen to you. We have one journalist who has been taken and up to now we don't know where he is. This warning came after Azory's disappearance.<sup>188</sup>

For example, an activist in Zanzibar who works on rule of law and access to justice, told Human Rights Watch that staff of a radio station informed him in 2017 that he would not be invited onto a talk show because of his advocacy and remarks he had previously made:

One day I was invited to a morning radio station. I made some comments. And one of the journalists came to me to say, "Sam, you cost me. I was warned not to bring you on again." She said her boss was threatened by the government, the political party and she herself was threatened by security personnel. She said, "I wouldn't invite you on my program anymore."<sup>189</sup>

Some NGO workers told Human Rights Watch that the media would not cover their press conferences for fear of being shut down, including a Dar es Salaam-based activist who said:

Most press conferences we call are not put on the front page, but rather in the small part of the newspaper. I guarantee that you cannot call the media and then criticize the government and expect them to publish what you say.<sup>190</sup>

Another NGO staff told Human Rights Watch that a private television station refused to air an already agreed upon television show on land rights of historically marginalized communities produced by the organization due to the politically sensitive nature of its content.<sup>191</sup> This staff member suspects that authorities may have told the television

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<sup>188</sup> Human Rights Watch interview with Michael O., journalist, February 4, 2019.

<sup>189</sup> Human Rights Watch interview with Sam O., January 28, 2019.

<sup>190</sup> Human Rights Watch interview with Edna R., August 6, 2018.

<sup>191</sup> Human Rights Watch interview with Edward C., February 8, 2019.

station not to air programming on this issue. Because of this they say they are now forced to rely on international media or social media to disseminate their content.<sup>192</sup>

An activist who works on rule of law and access to justice told Human Rights Watch that the only way to discuss the elections in Zanzibar was to travel to mainland Tanzania to appear on media there as local media in Zanzibar would not host them for fear of reprisals from authorities.<sup>193</sup> NGO staff and journalists told Human Rights Watch that during the 2016 elections, the media would limit programming that discusses elections.<sup>194</sup> One person said that, at times, media outlets charged organizations a higher than usual fee for airing paid- programming as a way to inhibit them:

When it comes to election time, they would not allow live programs because they know on live programs maybe anything could happen. But other times they could allow it, but they could charge an expensive price so that you could not pay that amount.<sup>195</sup>

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<sup>192</sup> Ibid.

<sup>193</sup> Human Rights Watch interview with Sam O., January 28, 2019.

<sup>194</sup> Human Rights Watch interviews with Andrew S., journalist, Zanzibar, January 29, 2019; Solomon D., NGO worker, Zanzibar, January 29, 2019; and Simon Q., journalist, Zanzibar, January 30, 2019

<sup>195</sup> Human Rights Watch interview with Heath S., director of an NGO in Zanzibar, Zanzibar, January 28, 2019.

## VI. Government Responses to Criticism

On September 16, 2019, Human Rights Watch sent letters (see Appendix) to President Magufuli, Aderlus Kilangi, the Attorney General, Job Ndugai, the speaker of the National Assembly, Augustine Philip Mahiga, the Director of Public Prosecutions for mainland Tanzania, Umyy Mwalimu, the Minister of Health, Community Development, Gender, Elderly and Children, and Kangi Lugola, the Minister of Home Affairs, sharing preliminary findings of the research reflected in this report. The letter requested responses to our findings in order to reflect the government's views in our published report. At the time of writing none of these offices responded to our letters.

The Tanzanian government has had a mixed response to public criticism by foreign actors of the pattern of repression described above, at times not engaging or removing perceived critics from the country and at other times suggesting openness to dialogue. In 2017, Tanzania summarily expelled three heads of UN agencies, including Awa Dabo, the United Nations Development Programme (UNDP) country director. UNDP was reportedly critical of the conduct of elections in Zanzibar in 2016.<sup>196</sup>

On August 3, 2017 the chairperson of the African Committee of Experts on the Rights and Welfare of the Child, the African Commission on Human and Peoples' Rights special rapporteur on the rights of women in Africa, and the commission's rapporteur on Tanzania issued a joint letter of appeal to the president regarding his statements on pregnant girls, quoted above, which risked undermining the right to education and the right to equality of girls. They urged Tanzania to fulfil its regional human rights obligations.<sup>197</sup> The government did not respond to this.

In March 2019, as discussed above, the East African Court of Justice held that the 2016 Media Services Act is contrary to the treaty establishing the East African Community and called on the Tanzanian government to amend it. Government officials reportedly expressed openness to dialogue on reviewing the law.<sup>198</sup>

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<sup>196</sup> "Tanzania expels UNDP head Awa Dabo," *BBC News*, April 25, 2017, (accessed June 19, 2019), <https://www.bbc.com/news/world-africa-39710372>.

<sup>197</sup> African Committee of Experts on the Rights and Welfare of the Child, "ACERWC-ACHPR Joint Appeal to Tanzania," August 8, 2017, <http://www.acerwc.org/acerwc-achpr-joint-appeal-to-tanzania/> (accessed December 15, 2018).

<sup>198</sup> Simon Allsion, "Tanzania reconsiders harsh media laws," *Mail & Guardian*, April 5, 2019, (accessed June 19, 2019), <https://mg.co.za/article/2019-04-05-00-tanzania-reconsiders-harsh-media-laws>.

On November 7, 2018, the World Bank announced that it had suspended missions to Tanzania "given the recent developments in Tanzania threatening harassment and discrimination against the Lesbian, Gay, Bi-sexual, Transgender (LGBT+) community."<sup>199</sup> This followed Dar es Salaam regional commissioner, Paul Makonda's announcement that in October that authorities would round up suspected gay men. The World Bank later announced that it had lifted the suspension of missions, after a November 17 meeting between Magufuli and World Bank vice president for Africa Hafezh Ghanem, where Magufuli "assured the Bank that Tanzania will not pursue any discriminatory actions related to harassment and/or arrest of individuals, based on their sexual orientation."<sup>200</sup> Despite this, as discussed in Section III above, arrests on the basis of sexual orientation and gender identity continued in northern Tanzania and in Zanzibar after the meeting, and the government deregistered organizations based on their work on rights related to sexual orientation.

In June 2019, Parliament amended the Statistics Act to remove the threat of prison for publishing independent statistical information following criticism by the World Bank, described in Section II above. In September 2019, the Bank approved a \$450 million loan for food consumption and livelihoods, education and health care in Tanzania, acknowledging the amendment of the Statistics Act and the government's commitment to facilitating all girls to complete their education.<sup>201</sup> In November 2018, the Bank had suspended \$300m of a total \$500m loan to Tanzania, citing the ban on pregnant school girls and the Statistics Act.<sup>202</sup>

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199 Hillary Orinde, "Unsafe Place? World Bank cancels missions to Tanzania," *Standard Digital*, November 9, 2018, (accessed September 24, 2019), <https://www.standardmedia.co.ke/article/2001302127/unsafe-place-world-bank-cancels-missions-to-tanzania>.

200 Statement by the World Bank on Lifting the Suspension of Missions to Tanzania, November 20, 2018, <https://www.worldbank.org/en/news/statement/2018/11/20/world-bank-statement-on-lifting-the-suspension-of-missions-to-tanzania> (accessed June 19, 2019).

201 "Five Million Tanzanians to Benefit from Improved Safety Nets," World Bank, September 12, 2019, <https://www.worldbank.org/en/news/press-release/2019/09/12/five-million-tanzanians-to-benefit-from-improved-safety-nets>, (accessed September 20, 2019).

202 Karen McVeigh, "World Bank pulls \$300m Tanzania loan over pregnant schoolgirl ban," *The Guardian*, November, 15, 2018, (accessed June 20, 2019), <https://www.theguardian.com/global-development/2018/nov/15/world-bank-pulls-300m-tanzania-loan-over-pregnant-schoolgirl-ban>.

## VII. Tanzania's Legal Obligations

Tanzania is obligated to respect the rights to freedom of expression and association of all persons under international law and its constitution. However, several of its national laws are inconsistent or are being used in a manner inconsistent with these obligations.

### International and Regional Legal Obligations

Tanzania has ratified several United Nations and African human rights treaties that protect rights applicable to the issues discussed in this report. The rights to freedom of expression and association, as well the right to be an activist defending other rights, are universally protected under international conventions.

The Universal Declaration of Human Rights, considered broadly reflective of customary international law, provides for rights to “freedom of opinion and expression” (article 19) and “peaceful assembly and association” (article 20).<sup>203</sup> It states further that the freedom of opinion and expression “includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”<sup>204</sup>

These rights are further elaborated in treaties such as the International Convention on Civil and Political Rights (ICCPR), to which Tanzania is a state party.<sup>205</sup> Article 19 of the ICCPR obligates states to protect freedom of expression. Under article 19(3), governments may only impose limitations or restrictions on freedom of expression if such restrictions are provided for by law and are necessary, (a) for respect of the rights or reputations of others; (b) for the protection of national security or of public order or of public health or morals.

The UN Human Rights Committee, the independent body of experts that monitors state compliance with the ICCPR, in its General Comment No. 34 on the freedoms of opinion

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<sup>203</sup> Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), 3 UN GAOR, UN Doc. A/810, [https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf) (accessed September 22, 2019) art 71.

<sup>204</sup> UDHR, art. 19.

<sup>205</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, acceded to by Tanzania June 11, 1976.

and expression, reaffirms these rights as indispensable and necessary.<sup>206</sup> It also notes that the “freedom of expression is integral to the enjoyment of the rights to freedom of assembly and association, and the exercise of the right to vote.”<sup>207</sup> Modes of expression include those that are electronic and internet-based.<sup>208</sup>

With regard to media freedoms, the Human Rights Committee states that bans on particular publications are not permissible “unless specific content, that is not severable, can be legitimately prohibited under [article 19(3)].” In addition, “[t]he penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression.”<sup>209</sup> Similar considerations apply to restrictions on websites and blogs.<sup>210</sup> In addition, the committee states that “general State systems of registration or licensing of journalists are incompatible with [article 19(3)].”<sup>211</sup>

States are obligated to ensure that persons are protected from any acts by private persons or entities that would impair the enjoyment of these freedoms.<sup>212</sup> States should also investigate in a timely fashion attacks on persons exercising their right to freedom of opinion or expression, including arbitrary arrest, torture, threats to life and killings. They should prosecute those responsible and provide appropriate redress to victims.<sup>213</sup>

The ICCPR also provides for the right to freedom of association.<sup>214</sup> Freedom of association is defined as the right of persons to join together in groups in order to pursue common objectives or interests, including joining organizations. Under international law, restrictions on freedom of association are permissible only on certain

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206 UN Human Rights Committee, General Comment No. 34, Article 19, Freedoms of Opinion and Expression, CCPR/C/GC/34 (2011), <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf> (accessed September 22, 2019), paras. 2-3.

207 *Ibid.*, para. 4.

208 *Ibid.*, para. 12.

209 *Ibid.*, paras. 39, 42.

210 *Ibid.*, para. 43.

211 *Ibid.*, para. 44. The committee states that “[j]ournalism is a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere.” *Ibid.*

212 *Ibid.*, para. 7.

213 *Ibid.*, para. 23.

214 ICCPR, art. 22.

clearly specified grounds. Any restrictions placed on this right in a democratic society must be necessary for national security or public safety, public order (order public), the protection of public health or morals or the protection of the rights and freedoms of others, and be proportionate, the least restrictive possible, and non-discriminatory.<sup>215</sup> The dissolution of an association or the prohibition of its formation, as the severest type of restriction on freedom of association, should constitute an ultimate sanction, and be imposed only when lesser measures of restriction are insufficient.<sup>216</sup>

Tanzania is also a party to the African Charter on Human and Peoples' Rights (ACHPR), which in article 9 states "every individual shall have the right to receive information" and "every individual shall have the right to express and disseminate his opinions within the law."<sup>217</sup> The African Commission on Human and Peoples' Rights in 2002 adopted the Declaration of Principles on Freedom of Expression in Africa, setting out regional norms guaranteeing free expression.<sup>218</sup> Article 10 of the African Charter also provides for the right to free association, subject to only necessary restrictions provided for by law. In 2017, the African Commission on Human and Peoples' Rights adopted Guidelines on Freedom of Association and Assembly.<sup>219</sup>

Various international human rights bodies have noted that protection of freedom of expression must include pluralism, tolerance and broadmindedness from public officials regarding open criticism. The Human Rights Committee has stated ICCPR article 19(3) cannot "be invoked as a justification for the muzzling of any advocacy of multi-party democracy, democratic tenets and human rights" and "the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to

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215 Ibid. art. 22(2); Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/29, April 24, 2013, [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39\\_EN.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf) (accessed October 9, 2019), paras. 23, 81(b).

216 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27, May 21, 2012, [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf) (accessed September 22, 2019), para. 75.

217 African Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, ratified by Tanzania, February 18, 1985, art. 9.

218 Tanzania is a member of the African Union, the successor to the Organization of African Unity (OAU). The African Commission on Human and Peoples' Rights adopted the Declaration of Principles on Freedom of Expression at its 32nd Ordinary Session in Banjul, the Gambia, from October 17-23, 2002, <http://hrlibrary.umn.edu/achpr/expressionfreedomdec.html> (accessed September 22, 2019).

219 The African Commission on Human and Peoples' Rights adopted Guidelines on Freedom of Association and Assembly at its 60th Ordinary Session in Niamey, Niger, from May 8-22, 2017, [https://www.achpr.org/public/Document/file/English/guidelines\\_on\\_freedom\\_of\\_association\\_and\\_assembly\\_in\\_africa\\_eng.pdf](https://www.achpr.org/public/Document/file/English/guidelines_on_freedom_of_association_and_assembly_in_africa_eng.pdf) (accessed October 9, 2019).

justify the imposition of penalties.”<sup>220</sup> As the African Commission found, “[i]t should be assumed that criticism of the government does not constitute an attack on the personal reputation of the head of state. People who assume highly visible public roles must necessarily face a higher degree of criticism than private citizens; otherwise public debate may be stifled altogether.”<sup>221</sup>

The United Nations Declaration on Human Rights Defenders, while not a legally binding document, outlines principles enshrined in other legally binding conventions such as the ICCPR to support and protect human rights defenders in the context of their work.<sup>222</sup> The Declaration accords to human rights defenders the rights to meet or assemble peacefully (article 5a); to form, join and participate in non-governmental organizations, associations or groups (article 5b); and to study, discuss, form and hold opinions of all human rights and fundamental freedoms, and to draw public attention to these matters (article 6b). It also requires states to conduct prompt and impartial investigations or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred (article 9.5), and to take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, discrimination, pressure or any other arbitrary action as a consequence of exercise of rights (article 12.2).

The ICCPR, in article 9, and the African Charter, in article 6, prohibit arbitrary arrest and detention. The deprivation of liberty is arbitrary where it results from the exercise of the rights to freedom of expression and association.<sup>223</sup>

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220 UN Human Rights Committee, General Comment No. 34, Article 19, Freedoms of Opinion and Expression, paras. 23, 38.

221 African Commission on Human and Peoples’ Rights, Media Rights Agenda, Constitutional Rights Project, Media Rights Agenda and Constitutional Rights Project v. Nigeria, Communication, (Nos. 105/93, 128/94, 130/94 and 152/96), Decision of October 31, 1998, available at [https://www.humandignitytrust.org/wp-content/uploads/resources/Media\\_Rights\\_Agenda\\_and\\_Others\\_v\\_Nigeria\\_2000\\_AHRLR\\_200\\_ACHPR\\_1998.pdf](https://www.humandignitytrust.org/wp-content/uploads/resources/Media_Rights_Agenda_and_Others_v_Nigeria_2000_AHRLR_200_ACHPR_1998.pdf), para. 74.

222 United Nations General Assembly, “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” (Declaration on Human Rights Defenders), A/RES/53/144, March 8, 1999, <https://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx> (accessed September 22, 2019).

223 UN Working Group on Arbitrary Detention, Deliberation No. 9 concerning the definition and scope of arbitrary deprivation of liberty under customary international law, A/HRC/22/44, December 24, 2012.

## National Laws Affecting Freedom of Expression and Association

The Tanzanian constitution protects the freedoms of expression (article 18) and association (article 20).<sup>224</sup> However, authorities have enacted new laws or enforced existing laws to curtail the rights to freedom of expression and association.

The Cybercrimes Act of 2015 criminalizes offenses related to computer systems and electronic devices, including the publication of “false information” online with knowledge that the information is false and with the intent to deceive the public. Authorities have brought prosecutions against at least two student activists and the owner and shareholder of an online reporting website under provisions of the Cybercrimes Act.<sup>225</sup>

The Statistics Act of 2015, until its June 2019 amendment, criminalized publishing and disseminating independent statistics. An opposition party leader was arrested, but later released without charge, apparently for remarks he made about the economic growth of Tanzania in violation of the act.<sup>226</sup>

The 2016 Media Services Act regulates the media industry and journalism profession, giving government wide powers to censor the media and limit independent journalism. It also requires journalists to be accredited by the government and creates broad and unclear criminal offenses that are open to abuse, including the publication of statements which threaten “the interests of ... public order” or “public morality.” The law also gives broad oversight to the director of information services, including the power to unilaterally suspend or cancel newspaper licenses. The government used the Media Services Act to suspend five newspapers in 2017 and 2019. The East African Court of Justice has held that the law violates the East African Community’s establishing treaty’s rules on good governance and has called on the Tanzanian government to amend it.<sup>227</sup>

New regulations, adopted in 2018, provide the Tanzania Communications Regulatory Agency (TCRA) with wide discretionary powers to license blogs, websites, and online

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<sup>224</sup> The Constitution of the United Republic of Tanzania of 1977, [http://www.tanzania.go.tz/egov\\_uploads/documents/Katiba%20ya%20Jamhuri%20ya%20Muungano%20wa%20Tanzania%20\\_English%20Version\\_%202009.pdf](http://www.tanzania.go.tz/egov_uploads/documents/Katiba%20ya%20Jamhuri%20ya%20Muungano%20wa%20Tanzania%20_English%20Version_%202009.pdf) (accessed September 28, 2019).

<sup>225</sup> See section II.

<sup>226</sup> See section II.

<sup>227</sup> See Section II.

content, including imposing hefty licensing fees on bloggers. Non-compliance with the law is a criminal offense.<sup>228</sup>

Amendments in 2018 to regulations governing the NGO sector require NGOs to publicly declare sources of funds, expenditures, and activities, under threat of deregistration. An amendment to the NGOs Act of 2002 gives the NGO registrar power to suspend the operation of organizations operating contrary to the provisions of the act.<sup>229</sup>

The government has also placed new restrictions on the political opposition. In 2016, the president suspended all political activities until 2020. In 2019, Parliament amended the Political Parties Act to give the registrar of political parties wide powers to deregister parties.<sup>230</sup>

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228 See Section II.

229 See Section III.

230 See Section IV.

## Acknowledgments

This report was researched and written by Oryem Nyeko, research at Human Rights Watch's Africa division. Abdullahi Abdi, at the time the research was conducted, a senior associate at Human Rights Watch, and Otsieno Namwaya, senior researcher, participated in field research.

The report was edited by Jehanne Henry, associate director in the Africa division and Mausi Segun, executive director of the Africa division. Babatunde Olugboji, deputy program director, provided program review. Liz Evenson, acting senior legal adviser provided legal review. Elin Martinez, Senior Researcher in the Children's Rights Division, Neela Ghoshal, Senior Researcher in the LGBT Rights program at Human Rights Watch, Laila Matar, Deputy Director for United Nations at Human Rights Watch's office in Geneva, Claudio Francavilla, Human Rights Watch's EU Officer, Heather Barr, acting co-director of the Women's Rights Division, and Carine Kaneza Nantulya, the Africa Advocacy Director, also reviewed the report.

Najma Abdi, and Jael Akinyi Onyango, associate and intern in the Africa division respectively, provided editorial assistance.

We would like to thank many individuals and organizations in Tanzania who shared their experiences with us.

# Annex

## Letter to Tanzanian Authorities Dated September 16, 2019

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16th September 2019

President John Joseph Magufuli,  
United Republic of Tanzania  
1Barack Obama Road,  
P.O. Box 11400,  
Dar es Salaam.

Transmitted via E-mail: [ikulu@ikulu.go.tz](mailto:ikulu@ikulu.go.tz)  
Transmitted via Fax: 0222113425/ 2116910/2117272

Your excellency,

### RE: Restrictions on Free Media and Civil Society

I am writing to share the preliminary findings of documentation Human Rights Watch conducted on the freedoms of expression and association in Tanzania, and to solicit your input and views. This is the subject of a forthcoming report, and we wish to offer your office the opportunity to consider and respond to our findings so that we can reflect the government's views in our published report.

As you may know, Human Rights Watch is an independent, international nongovernmental organization (NGO) that documents human rights abuses in more than 90 countries around the world. We do this by scrupulously investigating abuses, exposing facts widely, and reaching those with power to effect change with realistic policy recommendations in order to respect rights and secure justice. We are committed to producing material that is comprehensively documented, verified, and objective.

Over the past year, Human Rights Watch undertook investigations into freedoms of expression and association in Tanzania. Based on interviews with 80 people, as well as review of legislation, NGO reports,



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academic papers, and media reports, we have documented stepped-up censorship of the media, and restrictions on NGOs and political opposition party members by Tanzanian authorities over the last five years.

We found that authorities have not carried out credible investigations into the abduction or disappearance of journalists, break-ins and bombings of the offices of activists, as well as attempts on the life of an opposition figure. They also appear to have used the judicial system to detain or bring charges designed to harass those perceived to be government critics, including activists and opposition members under the Cybercrimes Act and other restrictive legislation.

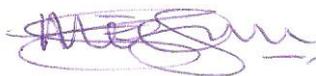
During our investigations we found the impact of the repression to be significant. It has silenced groups and individuals promoting the right to health, women's and children's rights, access to education, LGBT rights and the rights of persons with disabilities, as well as those working on land, extractives, and electoral reforms. Our findings document a chilling effect on media outlets, which are reported to be no longer covering the activities of these groups or the restrictions placed on them, apparently for fear of government reprisals.

These patterns of repression of critical voices are of particular concern as local and general elections approach in late 2019 and in 2020, as they may inhibit political expression, participation and undermine the environment for free and fair voting.

Please find attached a more detailed summary of our preliminary findings. Your response is especially important so that we can accurately reflect your views and pertinent information in our reporting.

Please communicate your response to Jehanne Henry, associate director for East Africa, by email at [henryj@hrw.org](mailto:henryj@hrw.org) or in writing using our physical address outlined below by September 27, 2019. We would also be pleased to discuss our findings in person should you be available to meet with us.

Sincerely,



Mausii Segun  
Executive Director, Africa division  
Human Rights Watch

CC: Dr Adelardus Kilangi, Attorney General

CC: Hon. Job Ndugai, Speaker of National Assembly

CC: Dkt. Augustine Philip Mahiga, Ministry of Constitutional and Legal Affairs and Directorate of Public Prosecutions, [km@sheria.go.tz](mailto:km@sheria.go.tz)

CC: Hon. Umy Mwalimu, Ministry of Health, Community Development, Gender, Elderly and Children, [ps@communitydevelopment.go.tz](mailto:ps@communitydevelopment.go.tz)

CC: Hon. Kangi Lugola, Ministry of Home Affairs and Directorate of Immigration, [ps@moha.go.tz](mailto:ps@moha.go.tz), [gcu@moha.go.tz](mailto:gcu@moha.go.tz)

## Summary of preliminary findings

Since 2015, Tanzania has seen a sharp backslide in respect for basic freedoms of association and expression, undermining both media and civil society. While some restrictive trends may have predated 2015, they have intensified since this time. The president and other high-level officials have made hostile statements about human rights issues.

The government has passed new legislation and enforced existing laws in a manner that appears to repress independent reporting and restrict the work of media, civil society organizations and political opposition groups. These include the 2015 Cybercrimes Act; regulations to the Electronic and Postal Communications Act that subject bloggers to excessive licensing fees; the 2016 Media Services Act; and the 2019 Political Parties (Amendment) Act.

Authorities appeared to have stepped up censorship of the media. The Ministry of Information, Culture, Arts and Sports has shut down or threatened radio stations and newspapers and cut off live transmissions of parliamentary debates. Television stations have been fined by the Tanzania Communications Regulatory Authority, reportedly for airing reports critical of the government, and in one case raided by a government official accompanied by armed security officers. Police have arrested, and in some cases, beaten journalists as they covered events. In Zanzibar, gunmen identified by witnesses as belonging to a government militia group were reported to have raided private radio stations that had aired content critical of the government following the re-run of the 2015 presidential elections.

The government has also appeared to use the judicial system to detain and bring harassing prosecutions against those perceived to be government critics, including several private citizens over their social media comments

Some NGO staff and activists told Human Rights Watch that their homes and offices had been broken into by unidentified men whom they indicated they believed were government agents. The break-ins reported to Human Rights Watch appear to target

those who are publicly critical of the government or who are working on politically sensitive matters. In at least two instances, the law offices of prominent government critics were bombed.

The government, through the NGO Registrar, has exerted more control over nongovernmental organizations (NGOs) by increasing bureaucratic requirements for NGOs and threatening to deregister them for non-compliance. All NGOs are now required to publicly disclose extensive financial and registration documentation or face deregistration. Police have raided events organized by groups working on LGBT rights in particular, often arresting staff and activists. National and international NGOs appear to have been arbitrarily asked by the Commission on Science and Technology (COSTECH) to obtain permits to conduct research. Immigration authorities are reported to have frequently raised questions about the nationality of those perceived to be critical of government policy in an effort to silence them, at times interrogating them and seizing their passports.

Political opposition parties in Tanzania have also faced various restrictions. In 2016 the president announced that elected politicians could not hold political rallies and meetings outside their constituencies, limiting the geographic area in which opposition parties could hold events. The government has also arrested and charged several opposition party members who have been critical of the government or the president. In September 2017, unknown assailants shot opposition parliamentarian Tundu Lissu, a prominent critic of the government, outside his home in the capital, Dodoma.

Authorities have not carried out credible investigations into the abduction or disappearance of journalists, in particular, the disappearance of Azory Gwanda, a journalist who went missing in 2017, as well as attempts on the life of opposition figure Tundu Lissu. The government has also not carried out credible investigations into the bombing on separate occasions of the offices of lawyers Omar Said Shabaan and Fatma Karume.

The impact of repression appears to be far-reaching, silencing organizations promoting rights to health, women's and children's rights, access to education, LGBT rights and the rights of persons with disability, as well as those working on land, extractives, and electoral reforms. The media is reportedly not covering the activities of these groups or the restrictions placed on them, apparently for fear of government reprisals.

# “As Long as I am Quiet, I am Safe”

## Threats to Independent Media and Civil Society in Tanzania

Since President John Magufuli came to power in 2015, the space for media, the opposition, and civil society to conduct activities in Tanzania has shrunk dramatically. The government has passed new legislation and enforced existing laws that repress independent reporting and restrict the work of media, civil society organizations and political opposition groups. The government has also cracked down on individuals and nongovernmental organizations (NGOs) that are critical of government policy. The growing restrictions on speech and association are particularly worrisome as elections, scheduled for 2020, approach.

*“As Long as I am Quiet, I am Safe”* documents how authorities have stepped up censorship of the media and arbitrarily arrested and, in some cases, prosecuted journalists and activists perceived to be government critics. They have also exerted tighter control over NGOs and political opposition parties. The repression has effectively silenced critics and activists.

The report calls on the Tanzanian government to take steps to protect the rights of freedom of expression and association, particularly ahead of elections, including by refraining from public rhetoric hostile to human rights issues; urgently reversing the pattern of repression and taking measures to stop the arbitrary arrest and harassment of journalists, NGO representatives and other activists, and political opposition members; and reforming repressive laws.



A man reads Tanzania’s major English-daily newspaper *The Citizen* in Arusha, Tanzania. The cover story refers to Dar es Salaam Regional Commissioner Paul Makonda storming the offices of a private media company on March 17, 2017, with armed security officers to force staff to broadcast a video on television.

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