

# 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.

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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 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.