

22 Oktoba, 2020

Kwa: Rais John Magufuli

Tanzania: Vizuizi vya kimfumo juu ya haki za msingi kuelekea uchaguzi mkuu

Mheshimiwa,

Sisi, asasi za kiraia tuliojiorodhesha hapa chini, tunasikitishwa na kuendelea kuzorota kwa demokrasia, haki za binadamu na utawala wa sheria katika Jamhuri ya Muungano wa Tanzania. Katika kipindi cha miaka mitano iliyopita, tumeshuhudia ongezeko la ukandamizaji, hali inayothibitishwa na ongezeko la unyanyasaji, vitisho, kushtakiwa na kuteswa kwa wanaharakati wa kisiasa, watetezi wa haki za binadamu, waandishi wa habari na vyombo vya habari; kutungwa na kupitishwa kwa sheria mbaya na kandamizi; na kupuuzwa kwa utawala wa sheria, kukiukwa kwa katiba, pamoja na kuporomoka kwa viwango vya haki za binadamu vya kikanda na kimataifa. Tuna wasiwasi mkubwa pia kwamba hali imekuwa mbaya zaidi wakati wa janga la *Corona (COVID-19)* na wakati nchi ikielekea uchaguzi mkuu wa tarehe 28 Oktoba 2020.¹

Tanzania ikiwa ni nchi mwanachama kwenye mikataba kadhaa ya kikanda na kimataifa, inayojumuisha Mkataba wa Kimataifa wa Haki za Kiraia na Kisiasa na Mkataba wa Afrika wa Haki za Binadamu na Haki za Watu, ina wajibu wa kisheria kuheshimu na kulinda haki za kimsingi, hususan haki ya - uhuru wa kujieleza na uhuru wa vyombo vya habari, kuwa na mikusanyiko ya amani, kuunda na kujiunga na vyama, na kushiriki shughuli za umma, ambazo ni haki za msingi kwa ajili ya uchaguzi huru na wa haki katika jamii ya kidemokrasia. Kama mwanachama wa Umoja wa Afrika (AU) na Jumuiya ya Maendeleo Kusini mwa Afrika (SADC), nchi ya Tanzania imeahidi kusimamia na kukuza misingi ya kidemokrasia, na ushiriki wa umma na utawala bora.

Kuelekea uchaguzi mkuu Tanzania, inasikitisha kwamba tumebaini uwepo wa mazingira yasiyofaa ya ushiriki wa umma na ushiriki huru na wa haki katika mchakato wa kisiasa. Jukumu la vyombo vya habari katika kutoa taarifa na kutafuta maoni tofauti ni la lazima katika demokrasia ya kweli. Vyombo vya habari ni lazima viruhusiwe kutoa huduma hizi bila vizuizi visivyo na msingi, lakini katika siku za hivi karibuni hali imekuwa kinyume ambapo baadhi ya vyombo vya habari vimefungiwa. Hii imejumuisha kufungiwa kwa siku-saba kwa gazeti la *The Citizen* mwezi Februari 2019,² kufungiwa kwa *Clouds TV* na *Clouds FM* mwezi Agosti 2020, na kufungiwa kwa miezi-sita kwa kituo cha runinga cha mtandaoni cha *Kwanza TV* mnamo mwezi Septemba 2019³ na pia baadaye kikafungiwa tena mwezi Julai 2020 kwa miezi kumi na moja;⁴ kufungiwa chapisho la gazeti la *Mwananchi* mtandaoni mwezi Aprili 2020;⁵ kufutwa rasmi kwa leseni ya uchapishaji wa gazeti la *Tanzania Daima* kuanzia tarehe 24 Juni, 2020;⁶ na kupigwa faini kwa vituo vya mtandaoni vya *Watetezi TV* na *Ayo TV* mwezi Septemba 2019.⁷ Tumebaini kwa masikitiko makubwa kwamba Serikali haijatekeleza uamuzi wa Mahakama ya Haki ya Afrika Mashariki, iliyoitaka serikali kuifanyia marekebisho Sheria ya Huduma za Vyombo vya Habari kurekebisha vikwazo visivyo vya haki juu ya uhuru wa kujieleza.⁸

Tunasikitishwa pia na vikwazo dhidi ya watu binafsi kutoa maoni yao kwa amani, pamoja na kukosoa maafisa wa umma.⁹ Maafisa hawa wanapaswa kuwa na uvumilivu zaidi ya wengine wanapokosolewa – kwani ni suala na hitaji la msingi kwenye uwazi na uwajibikaji. Mfumo wa haki nchini Tanzania hata hivyo umekuwa ukitumiwa vibaya kuwalenga wakosoaji wa serikali. Tito Magoti na mtaalamu wa teknolojia ya habari na mawasiliano, Theodory Giyani walikamatwa mwezi

Desemba 2019 na kuhojiwa juu ya matumizi yao ya mitandao ya kijamii na uhusiano wao na wakosoaji fulani wa serikali.¹⁰ Wawili hao walishitakiwa kwa makosa ya uhujumu uchumi, ikiwa ni pamoja na “utakatishaji fedha” kosa ambalo halina dhamana. Licha ya keshi dhidi yao kuahirishwa kwa zaidi ya mara 20 toka mwezi Desemba, 2019, na bila ya kuwasilishwa kwa ushahidi wowote dhidi yao, bado wanaendelea kushikiliwa kizuizini.¹¹ Mwandishi wa Habari za chunguzi, Erick Kabendera pia alikamatwa katika mazingira kama hayo akituhumiwa kwa kosa la “utakatishaji fedha”, ambapo alikaa kizuizini kwa zaidi ya miezi saba huku kesi yake ikiahirishwa kwa zaidi ya mara kumi.¹² Baadhi ya wataalamu wa Umoja wa Mataifa (UN) wameonyesha kutokuridhishwa na matumizi mabaya ya sheria za nchi za utakatishaji fedha ambazo “zinatoa mwanya kwa serikali kuwashikilia vuzuizini wakosoaji wake bila kukamilisha mashtaka dhidi yao kwa kipindi kisichokuwa na ukomo.”¹³

Kwa siku za hivi karibuni, wakili maarufu wa haki za binadamu na mkosoaji mkubwa wa serikali, Fatma Karume alifungiwa kufanya shughuli za uwakili na kuondolewa katika orodha ya mawakili Tanzania kwa kuwa tu aliendesha shauri kwenye kesi ya kikatiba iliyopinga uteuzi wa Mwanasheria Mkuu wa Serikali¹⁴. Mawakili wengine pia wanakabiliwa na kesi za kinidhamu kwa kuibua hadharani masuala kuhusu uhuru wa mahakama na utawala wa sheria. Kiongozi wa upinzani, Zitto Kabwe alikamatwa na kushitakiwa kwa matamshi aliyoyatoa kwa kutaka uwajibikaji kufuatia mauaji yanayofanywa na vyombo vya dola.¹⁵ Mifano ya kesi iliyotajwa hapa juu ni ushahidi wa wazi wa kutovumilia maoni mbadala na mijadala ya umma.

Zaidi ya hayo, mamlaka zinapaswa kuheshimu haki za watu binafsi katika kuunda vyama kwa uhuru na vyama hivyo kushiriki katika masuala ya umma bila kuingiliwa pasi na sababu za msingi. Tumbaine kuongezeka kwa matumizi mabaya ya sheria kuzuia na kusimamisha shughuli za asasi za kiraia.¹⁶ Mnamo tarehe 12 Agosti, Mtandao wa Watetezi wa Haki za Binadamu Tanzania (THRDC) walijulishwa kuwa akaunti zao za benki zimesimamishwa kusubiri chunguzi wa polisi. Mratibu wa THRDC baadaye aliitwa na polisi kufafanua kuhusu madai ya kutowasilisha kwa Hazina ya Serikali mikataba baina ya mtandao huo na wafadhili¹⁷. Kabla ya haya, mwezi Juni, 2020 mamlaka za nchi zilivuruga shughuli za THRDC kwa tuhuma za kukiuka “sheria za nchi”¹⁸. Mashirika mengine kadhaa yasiyo ya kiserikali yanayoangazia masuala ya haki za kibinadamu aidha yamefutiwa usajili au yanasumbuliwa kwa kutoa matamko ya umma dhidi ya serikali. Kuelekea uchaguzi mkuu, baadhi ya mashirika yasiyo ya kiserikali yametoa taarifa za kuonywa na mamlaka za nchi, kwa njia isiyo rasmi, kusitisha shughuli. Kutokana na mazingira hayo ya ukandamizaji, asasi za kiraia zimelazimika kujizuia katika shughuli zao.

Tumbaine pia kutungwa kwa sheria zaidi ambazo ni kandamizi.¹⁹ Kwa mfano, Sheria ya Marekebisho ya Sheria Mbalimbali (Sheria ya Marekebisho)²⁰ ambayo imefanya mabadiliko kwenye Sheria-13.²¹ Marekebisho haya yanamtaka mtu yeyote atakayekuwa na malalamiko ya ukiukwaji wa haki, kwamba lazima awe ameathirika kwa ubinafsi wake.²² Hali hii inazuia asasi za kiraia kutoa msaada wa kisheria na kufanya kazi za utetezi wa kisheria pale zinapokuwa hazijaathiriwa moja kwa moja na ukiukwaji huo. Hii inakinzana na Ibara ya 26 (2) ya Katiba ya nchi, ambayo inatoa haki kwa kila mtu “kuchukua hatua za kisheria kuhakikisha ulinzi wa Katiba yenyewe na sheria za nchi.” Zaidi ya hapo, ni hali inayotambuliwa kimataifa kuwa watu wote, aidha wakiwa mmoja mmoja ama kwa kujumuika na wengine, wana haki ya kutafuta suluhisho madhubuti katika vyombo vya kimahakama au mamlaka nyingine dhidi ya ukiukaji wa haki za binadamu.²³ Sheria hii ya Marekebisho imeainisha zaidi kuwa, hakuna shauri lolote dhidi ya Rais, Makamu wa Rais, Waziri Mkuu, Spika wa Bunge, Naibu Spika wa Bunge ama Jaji Mkuu linaloweza kufunguliwa dhidi yao moja kwa moja na badala yake litafunguliwa dhidi ya Mwanasheria Mkuu wa Serikali.²⁴ Kifungu hiki kinadhofisha uwajibikaji wa serikali inapokiuka haki za binadamu. Tunazikumbusha mamlaka kwamba mashirika ya kimataifa yameibua maswali kuhusu sheria hizi za ukandamizaji nchini Tanzania.²⁵

Tunapata mashaka zaidi juu ya kuendelea kuwepo kwa matukio ya vitisho vya maneno na mashambulizi ya mwili dhidi ya wanachama wa vyama vya upinzani.²⁶ Kwa masikitiko, tumebaini kwamba hadi leo hakuna yeyote aliyewajibishwa kwa shambulizi dhidi ya mwanasiasa wa CHADEMA Tundu Lissu la mwaka 2017, ambaye ni mgombea wa urais katika uchaguzi ujao. Pia hivi karibuni, kiongozi wa upinzani Freeman Mbowe alishambuliwa kinyama na washambuliaji wasiojulikana. Kushindwa kufanya uchunguzi wa umakini na usio na upendeleo wa visa kama hivi, kunaweza kuzalisha mazoea ya kutoheshimu sheria hali inayoweza kutishia amani na usalama wa nchi. Serikali ni lazima ichukue hatua madhubuti ili kuwakamata watuhumiwa wa visa hivyo vya uhalifu na kuhakikisha usalama wa wanachama wote na wafuasi wa upinzani.

Mapema mwezi Novemba 2019, Tume ya Afrika ya Haki za Binadamu na Haki za Watu (ACHPR) ilitoa tamko kuhusu “kuzorota kwa hali ya haki za binadamu nchini Tanzania.”²⁷ Tume hii ilipaza sauti juu ya “ongezeko la idadi ya waandishi wa habari na wanasiasa wa upinzani waliofungwa jela kutokana na majukumu yao.” Kuendelea kubanwa kwa uhuru nchini Tanzania pia kulisababisha Kamishna wa Haki za Binadamu wa Umoja wa Mataifa, Michelle Bachelet, kutoa onyo kali wakati nchi hii ikielekea kwenye uchaguzi mkuu wa tarehe 28 Oktoba 2020. Katika ufunguzi wa Mkutano wa 45 wa Baraza la Haki za Binadamu, aliliomba Baraza hilo “kuangalia kwa umakini ongezeko la ukandamizaji wa demokrasia na kuminywa kwa uhuru, kwa kile ambacho kimekuwa ni ongezeko la mmomonyoko wa haki za binadamu” na kuisisitiza kuwa “kwa uchaguzi unaokaribia baadaye mwezi huu, tunapokea ongezeko la taarifa za kukamatwa kiholela na kuzuiliwa kwa watendaji wa asasi za kiraia, wanaharakati, waandishi wa habari na wanachama wa vyama vya siasa.” Aliongeza kuwa: “Kuongezeka kwa mmomonyoko wa haki za binadamu kunaweza kusababisha madhara makubwa na ninahimiza hatua za kinga na za haraka kuchukuliwa mara moja.”²⁸

Pamoja na kutambua hatua na jitihada zilizochukuliwa na serikali katika kuzuia kuenea kwa Virusi vya *COVID-19* na kuwalinda raia wa Tanzania, tuna wasi wasi kuwa janga hili pia limetumiwa kuminya uhuru na haki za kimsingi. Mifano yake ni pamoja na kuzuiliwa kwa waandishi wawili wa habari kutoka Kenya waliofanya mahojiano na raia wa Tanzania juu ya hali ya janga lenyewe nchini²⁹ pia kufungiwa kwa runinga ya mtandaoni ya *Kwanza TV* baada ya kutangaza taarifa ya tahadhari ya Ubalozzi wa Marekani nchini Tanzania juu ya janga hilo.³⁰ Haki ya mtu kutoa maoni yake kwa amani, haki ya kupata taarifa, haki ya kujumuika pamoja na kukusanyika, na haki ya kushiriki katika shughuli za umma si tu ni za msingi na za lazima kuelekea kwenye uchaguzi mkuu, lakini pia ni za msingi na za lazima katika janga hili la ugonjwa wa *COVID-19*. Haki ya kujieleza, hususan huhakikisha “upatikanaji wa taarifa kwa umma, kuwawezesha watu kuwa... na maoni juu ya athari za kiafya ili kuwawezesha kuchukua tahadhari muhimu ili kujilinda wenyewe na kulinda jamii zao.”³¹ Umoja wa Mataifa umekuwa ukifanya msisitizo wa mara kwa mara juu ya mtizamo wa serikali dhidi ya janga la *COVID-19* kuwa usitumike kama kigezo cha kukandamiza haki za binadamu kwa mtu binafsi ama kuminya upatikanaji wa habari kirahisi.³²

Ulazima wa Tanzania kudumisha na kusimamia haki za binadamu, demokrasia na utawala wa sheria ni wa muhimu sana kwa sasa kuliko hata wakati mwingine, hususan katika masuala ya usalama wa taifa, kufuatia taarifa za hivi karibuni za mashambulizi ya waasi kwenye mpaka wa Tanzania na Msumbiji.³³ Uchunguzi umebainisha kuwa hali ya kunyima haki, kutenga watu kwa makundi na kuyabagua na uvunjifu wa utawala wa sheria ni vyanzo vya kutokuridhishwa kwa baadhi ya watu na huweza kuwa vyanzo vya vurugu. Taifa lenye amani na mafanikio linahitaji utawala bora na kuheshimu utawala wa sheria, likiwa na jamii inayolinda haki za msingi na kuhakikisha haki sawa kwa wote.

Kama asasi za kiraia zinazojali sana kuhusu masuala ya kikatiba, haki na demokrasia ndani ya Jamhuri ya Muungano wa Tanzania, tunakusihia sana Mheshimiwa Rais kuzingatia ahadi yako ya kuhakikisha kutakuwa na uchaguzi ulio huru na wa haki nchini Tanzania. Serikali ina wajibu wa

kuandaa mazingira mazuri kwa watu wote, ikiwa ni pamoja na wapinzani wa kisiasa, mashirika yasiyokuwa ya kiserikali, waandishi wa habari, watumiaji wa mitandao, watetezi wa haki za binadamu na wale wote waipingao ama kudhaniwa kuipinga serikali kufaidi haki zao za binadamu bila woga ama vitisho. Hivyo, tunatoa wito kwa mamlaka husika kuwaondolea tuhuma za makosa ya jinai watetezi kama Tito Magoti na Theodory Giyani na wengineo wote wanaoshikiliwa kwa kutumia haki zao kwa amani. Kusimamishwa kufanya kazi kwa mashirika yasiyo ya kiserikali na kushikiliwa kwa mali zao, kama ilivyotokea kwa THRDC na runinga ya mtandaoni ya *Kwanza TV*, na kufungiwa kufanya kazi za taaluma ya sheria hususan kwa Fatma Karume kunafaa kubatilishwa. Vyama vya siasa vya upinzani ni lazima viruhusiwe kushirikiana na wafuasi wao kufanya kampeni zao kwa amani bila vikwazo kama vile kukamatwa bila sababu za msingi, kufanyiwa mashambulizi ya kimwili, kutawanywa kinguvu na vitisho na unyanyasaji kadha wa kadha kutoka kwa vyombo vya usalama. Uhalali wa uchaguzi wa Tanzania umu kwenye mizani.

Tunatoa wito kwa Tanzania kuzingatia ujumbe unaotolewa na wadau wa kitaifa, katika ngazi ya Afrika na hata Kimataifa kubadili mwelekeo kabla nchi haijaingia katika mgogoro mkubwa wa haki za binadamu kukiwa na uwezekano wa madhara yake kuwa makubwa nchini na katika ukanda huu.

Imetiwa saini na wafuatao:

1. Access Now, Global
2. Acción Solidaria on HIV/aids, Venezuela
3. Africa Freedom of Information Centre, Africa
4. Africa Judges and Jurists Forum
5. AfroLeadership
6. ARTICLE 19, Global
7. Asia Dalit Rights Forum ADRF, New Delhi and Kathmandu
8. Association for Human Rights in Ethiopia (AHRE)
9. Association of Freelance Journalists
10. BudgIT Foundation, Nigeria
11. CEALDES, Colombia
12. Center for Civil Liberties, Ukraine
13. Centre for Human Rights & Development (CHRD), Mongolia
14. Centre for Law and Democracy, Canada
15. Center for National and International Studies, Azerbaijan
16. Child Watch, Tanzania
17. CIVICUS, Global
18. Civic Initiatives, Serbia
19. CIVILIS Human Rights, Venezuela
20. Collaboration on International ICT Policy for East and Southern Africa (CIPESA)
21. Committee to Protect Journalists (CPJ)
22. Community Empowerment for Progress Organization (CEPO), South Sudan
23. Commonwealth Human Rights Initiative (CHRI)
24. Corporación Comuna Nueva, Santiago de Chile
25. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
26. Democracy Monitor PU, Azerbaijan
27. Eastern Africa Journalists Network (EAJN)
28. Ethiopian Human Rights Council (EHRCO)
29. Ethiopian Human Rights Defenders Coalition (EHRDC)
30. Espacio Público, Venezuela
31. Front Line Defenders, Global

32. Gestos (HIV and AIDS, communication, gender), Brazil
33. Greenpeace Africa
34. Groupe d'Action pour le Progrès et la Paix (GAPP-Afrique) Canada
35. Groupe d'Action pour le Progrès et la Paix (GAPP-BENIN)
36. Groupe d'Action pour le Progrès et la Paix (GAPP Mali)
37. HAKI Africa, Kenya
38. Human Rights Concern - Eritrea (HRCE)
39. Human Rights Defenders Network, Sierra Leone
40. Humanium, Switzerland
41. HuMENA for Human Rights and Civic Engagement (HuMENA Regional)
42. International Partnership for Human Rights (IPHR) - Belgium
43. Jade Propuestas Sociales y Alternativas al Desarrollo, A.C. (JADESOCIALES)- México
44. Ligue Burundaise des droits de l'homme Iteka-Burundi
45. Maison de la Société Civile (MdSC), Bénin
46. MARUAH, Singapore
47. Media Rights Agenda (MRA), Nigeria
48. Nigeria Network of NGOs, Nigeria
49. Nouvelle Dynamique de la Société Civile de la RD Congo (NDSCI)
50. Odhikar, Bangladesh
51. ONG Convergence des Actions Solidaires et les Objectifs de Développement Durable (CAS-ODD ONG) - Bénin
52. ONG Nouvelle Vision (NOVI), Bénin
53. Open School of Sustainable Development (Openshkola), Russia
54. Open Society Initiative for Southern Africa (OSISA)
55. Partnership for Peace and Development, Sierra Leone
56. RESOSIDE (Burkina Faso)
57. Robert F. Kennedy Human Rights, Global
58. Sisters of Charity Federation, United States
59. Somali Journalists Syndicate (SJS), Somalia
60. Southern Africa Human Rights Defenders Network (SAHRDN)
61. Sudanese Development Initiative (SUDIA), Sudan
62. The Human Rights Centre Uganda (HRCU), Uganda
63. Tournons La Page (TLP)
64. Water, Sanitation and Hygiene Network, Sierra Leone
65. Women In Democracy And Governance, Kenya (WIDAG)
66. Zambia Council for Social Development, Zambia

¹ United Nations, Office of the High Commissioner, UN Experts call on Tanzania to end crackdown on civic space, July 22, 2020, available at <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26117&LangID=E>.

² Committee to Protect Journalists, Tanzania imposes 7-day publication ban on The Citizen, March 01, 2019, available at: <https://cpj.org/2019/03/tanzania-citizen-7-day-publication-ban/>

³ Committee to Protect Journalists, Tanzanian authorities ban online TV station, fine 2 others, January 8, 2020 available at: <https://cpj.org/2020/01/tanzanian-authorities-ban-online-tv-station-fine-2/>

⁴ Committee to Protect Journalists, Tanzania bans Kwanza Online TV for 11 months citing 'misleading' Instagram post on COVID-19, July 09, 2020, available at: <https://cpj.org/2020/07/tanzania-bans-kwanza-online-tv-for-11-months-citing-misleading-instagram-post-on-covid-19/>

⁵ Committee to Protect Journalists, Tanzanian newspaper banned from publishing online for 6 months over COVID-19 report, May 11, 2020, available at: <https://cpj.org/2020/01/tanzanian-authorities-ban-online-tv-station-fine-2/>

⁶ Committee to Protect Journalist, Tanzanian government revokes license of Tanzania Daima newspaper, June 26, 2020, available at: <https://cpj.org/2020/06/tanzanian-government-revokes-license-of-tanzania-daima-newspaper/>

⁷ Committee to Protect Journalists, Tanzanian authorities ban online TV station, fine 2 others, January 8, 2020 available at: <https://cpj.org/2020/01/tanzanian-authorities-ban-online-tv-station-fine-2/>

⁸ <https://www.mediadefence.org/news/important-media-freedom-judgment-east-african-court-justice>

⁹ We refer to cases such as the arrest of prominent comedian, Idris Sultan, in May 2020 (<https://thrdc.or.tz/tanzanian-comedian-and-actor-mr-idris-sultan-charged-for-failure-to-register-a-sim-card/>), and the disbarment from practicing law of prominent lawyer and human rights advocate, Fatma Karume (<https://www.icj.org/tanzania-icj-calls-for-reinstatement-of-lawyer-fatma-karumes-right-to-practice-law/>).

¹⁰ Committee to protect journalists, Mwanachi, The Citizen, last seen in Tanzania, November 21, 2017, available at <https://cpj.org/data/people/azory-gwanda/>.

¹¹ American Bar Association, Center for Human Rights, Tanzania: Preliminary Analysis of the criminal case against Tito Magoti and Theodory Giyani, July 28 2020, available at https://www.americanbar.org/groups/human_rights/reports/tanzania--preliminary-analysis-of-the-criminal-case-against-tito/.

¹² Committee to Protect Journalists, Tanzanian journalist Erick Kabendera freed, but faces hefty fines, February 24, 2020, available at: <https://cpj.org/2020/02/tanzanian-freelancer-erick-kabendera-freed-but-fac/>

¹³ Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Letter to President of Tanzania, Reference AL TZA 1/2020, January 31, 2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25049>.

¹⁴ International Commission of Jurists, Tanzania: ICJ Calls for the reinstatement of lawyer Fatma Karume's right to practice law, October 8, 2020, available at <https://www.icj.org/tanzania-icj-calls-for-reinstatement-of-lawyer-fatma-karumes-right-to-practice-law/>.

¹⁵ The Citizen, Zitto Kabwe sentenced to serve one year ban not writing seditious statements, may 29, 2020, available at <https://www.thecitizen.co.tz/news/Zitto-Kabwe-found-guilty-of-sedition/1840340-5567040-m7pifrz/index.htm>

¹⁶ The cancellation of a training organised by Tanzania Human Rights Defenders Coalition (THRDC), the subsequent arrest of THRDC's Director, Onesmo Olungurumwa, and suspension of the activities of the organisation, as well as freezing of their accounts exemplifies the misuse of these laws against civil society (See: <https://www.aa.com.tr/en/africa/tanzania-human-rights-group-suspends-operations/1945400>)

¹⁷ DefendDefenders, Tanzania: Respect the right to freedom of association, August 24, 2020, available at <https://defenddefenders.org/tanzania-respect-the-right-to-freedom-of-association>

¹⁸ Two employees of one of THRDC were arrested in Dar es Salaam and thereafter authorities proceed to arbitrarily cancel the hosting of a three-day security training for 30 human rights defenders. The police claimed that the training was in contravention of the "laws of the land" but did not give a specific provision

¹⁹ These include the Electronic and Postal Communications (Online Content) Regulations; Media Services Act; Cybercrimes Act; and Political Parties Amendment Act.

²⁰ Written Laws (Miscellaneous Amendments Act (No. 3) of 2020)

²¹ Southern Africa Litigation Center, Joint letter, The Written Laws Miscellaneous Amendments Act no.3 (2020), available at <https://www.southernafricalitigationcentre.org/wp-content/uploads/2020/08/Honourable-Minister-of-Justice-for-the-Republic-of-Tanzania.pdf-August-2020.pdf>.

²² Section 7(b) of the Written Laws Amendments Act

²³ The African Commission's Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa provide that States must ensure through adoption of national legislation that any individual, group of individuals or nongovernmental organization is entitled to bring a human rights claim before a judicial body for determination, because such claims are matters of public concern.

²⁴ Amendments to the Chapter 310 of the Law Reform (Fatal accidents and miscellaneous provisions) Act and to the Chapter 3 of the Basic Rights and Duties Enforcement Act

²⁵ See for example communication of the Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association to the government of the United Republic of Tanzania, AL TZA 3/2020, 17 July 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25442>

²⁶ These include the verbal abuse and threats of execution against Zitto Kabwe, leader of Alliance for Change and Transparency (ACT) Wazalendo opposition party (see: <https://www.bbc.com/news/world-africa-51355148>), his conviction for sedition for statements he made at a press conference in relation to alleged extra judicial killings by state security forces (<https://www.thecitizen.co.tz/news/Zitto-Kabwe-found-guilty-of-sedition/1840340-5567040-m7pifrz/index.html>), and his re-arrested together with several party members while they participated in an internal meeting (<https://www.aljazeera.com/news/2020/06/24/tanzanian-opposition-leader-zitto-kabwe-released-on-bail/>); as well as the conviction of nine Members of Parliament belonging to the opposition Chama Cha Demokrasia (CHADEMA) party and their sentencing in March 2020 to five months in prison or an alternative fine, for allegedly making seditious statements (<https://www.reuters.com/article/us-tanzania-politics/tanzanian-opposition-lawmakers-found-guilty-of-making-seditious-statements-idUSKBN20X208>); and the attack against the party leader, Freeman Mbowe, by unknown assailants leaving him with a broken leg (<https://www.reuters.com/article/us-tanzania-politics/tanzanian-opposition-lawmakers-found-guilty-of-making-seditious-statements-idUSKBN20X208>).

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²⁸ Office of the UN High Commissioner for Human Rights, “In her global human rights update, Bachelet calls for urgent action to heighten resilience and protect people’s rights,” 14 September 2020,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26226&LangID=E>

²⁹ Tanzania Human Rights Defenders Coalition, Two Kenyan Journalists convicted and fined in Tanzania, repatriated back to Kenya, May 21, 2020, available at <https://thrdc.or.tz/blog/>.

³⁰ Kwanza TV Instagram, available at

https://www.instagram.com/p/CCGT_5ECT_n/?utm_source=ig_web_button_share_sheet

³¹ Disease pandemics and the freedom of opinion and expression, A/HRC/44/49, para. 30

³² The Guardian, Coronavirus pandemic is becoming a human rights crisis, UN warns, 23 April 2020, available at

<https://www.theguardian.com/world/2020/apr/23/coronavirus-pandemic-is-becoming-a-human-rights-crisis-un-warns>. See also UNHRC., UN Special Rapporteur on freedom of peaceful assembly and of association, States responses to Covid 19 threat should not halt freedoms of assembly and association, April 14, 2020, available at

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25788&LangID=E>.

³³ BBC, Tanzania border village attack “leaves 20 dead”, October 16, 2020, available at https://www.bbc.com/news/live/world-africa-47639452?ns_mchannel=social&ns_source=twitter&ns_campaign=bbc_live&ns_linkname=5f896f00c4548e02bf3cb441%26Tanzania%20border%20village%20attack%20%27leaves%20%20dead%27%262020-10-16T10%3A29%3A29Z&ns_fee=0&pinned_post_locator=um:asset:2f81fc88-030c-49d4-9d25-b8268a2dbf55&pinned_post_asset_id=5f896f00c4548e02bf3cb441&pinned_post_type=share