

CIVIL SOCIETIES CALL REGARDING THE SECURITY OF CITIZENS, HUMAN RIGHTS AND RULE OF LAW IN TANZANIA

INTRODUCTION

We, the undersigned Civil Societies Organizations (CSOs) in this petition, are seriously concerned by the current situation of human rights violations, rule of law and the security of citizens in Tanzania. CSOs are independent and autonomous entities established by different laws of Tanzania. These organizations implement various activities in ensuring sustainable development for our nation.

CSOs have been a catalyst of development in Tanzania because of the social service delivery role they have been playing to improve people's lives and above all protection of human rights. Also, CSOs have been the voice and catalyst of many policy and system reforms in our country. Unlike other groups in the society, CSOs have been, and still are raising different challenges and advise the government and its implementing organs on the best ways of forging solutions to curb those challenges and at times CSOs have themselves taken initiatives to solve the challenges facing the society by using donor funded projects.

We therefore, call upon leaders of this country and the public at large to honour the efforts made by CSOs in defending public interests, sustainable development and other reforms in the society. In different developed countries the role of CSOs had contributed a lot in making various policy and system reforms as well as development and thus they have always treasured and respect and provide good support on different CSOs initiatives. Together with different challenges, CSOs have also recognized and congratulated the President of the United Republic of Tanzania for leading the nation in the fight against misuse of natural resources, improving discipline to the public sector and proper management of natural resources of the country. CSOs recognize the importance of country's development by respecting human rights for these

are the two inseparable things. For that reasons we are in full support of the efforts of our President in making sure Tanzania gets sustainable development because such development are the foundation of ensuring respect of human rights and improvement of lives of Tanzanian citizens.

THE SITUATION OF HUMAN RIGHTS, RULE OF LAW AND SECURITY OF CITIZENS IN TANZANIA

In the cause of executing their roles, CSOs normally get time to make evaluation of the situation of different issues of the country and see how, as stakeholders can chip-in in ensuring sustainability of the nation. On 19th February 2018, CSOs Director's Forum convened to discuss matters of national interests and discovered several issues regarding violation of human rights, insecurity of the nation, curtailment of freedom of expression, limitation on media freedom, CSOs shrinking space, non observation of rule of law in decision making process, curtailment of democracy as well as different elections which are unfair and have a lot of aftermath on citizen's lives.

This situation has to a large extent been contributed by different recent astonishing incidents that have never been, and were never expected to happen in the history of this country. These incidents includes armed attacks, atrocious killings, injuries, enforced disappearance, brutality, arrests, malicious prosecutions targeting human rights defenders (HRDs), journalists, politicians and even normal civilians of this nation. The following are some of the identified incidents;

(i) Atrocious killing of a University Student, Akwilina Baftah

On 16th February 2018, news spread over social and other media platforms on an atrocious killing incident of the student of the National Institute of Transport (NIT) Akwilina Baftah who was shot dead by police officers who were dispersing Chama cha Demokrasia na Maendeleo (CHADEMA) supporters who

were heading to the office of the Director of election for Kinondoni who is also the Director of Kinondoni Municipal to request to be availed with necessary documents to be able to participate in election for Kinondoni Member of Parliament. Worse enough, Akwilina was shot dead while she was in a bus heading to submit her field placement letter ready to start her field work. Police Force via Dar es Salaam special police zone, Lazaro Mambosasa confirmed the death of Akwilina and admitted the same to have been as earlier on said, by police in the cause of dispersing opposition supporters.

This tragic incident mounted a great fear to the society and nation at large as it is one of its kind. The death of Akwilina brought severe grief for the nation for it happened to an innocent person. It is one of the incidents which brought together all Tanzania in mourning regardless of their political affiliations, status, religions, race or color.

It is an incident which has reminded Tanzanians that the peace we used to have can easily disappear if we cannot, as a nation go back to the national principles and norms to demand and protect democracy, equality, rule of law and human rights. We wish to extend our sincere appreciation to all people who have been concerned and mourn together with Akwilina's family especially Professor Joyce Ndalichako who is the responsible Minister for Education, Science and Technology for standing firm with the family at this difficult time. Also, we congratulate our government for taking initiatives in ensuring it fully support all costs of burial of Akwilina. We appreciate the efforts of the government for showing such initiatives. As CSOs we understand that the government and public at large are seriously concerned about the death of Akwilina.

(ii) Abduction, Killings, Torture and Disappearance of People

- Incidents of arrests and killings of various leaders in the country started when CCM leaders, more than 10 police officers and almost 40 people in the Kibiti area began to be attacked and killed without arrest of the perpetrators.

These events have continued until during the election where on 11th /02/2018 the leader of CHADEMA the late Daniel John was brutally murdered during electoral campaigns in Kinondoni constituency. There are many of such events and have repeatedly been occurring even in Zanzibar Island.

- 7th /09/2017 Tanganyika Law Society President and MP of Singida East. Mr. Tundu Lissu was shot by unknown people at Area D in Dodoma whereas until now the perpetrators are yet to be arrested.

- On the 21st of November 2017 a journalist of Mwananchi Communications Limited Mr. Azory Gwanda was lost, and he has not yet been found despite the fact that CSOs and journalists have raised their voices about his disappearance.

- The Secretary of the Chairman of a Political Party (CHADEMA) disappeared in a questionable circumstance and no information has been released by our security agencies about his disappearance.

- The incidents of abduction and torture of people has been devastating in our country where we have recently witnessed several incidents of abduction and torture of artists, journalists who seem to have an alternative view of various issues that are taking place in our country.

(iii) Strict enforcement of draconian laws and arbitrary arrests.

- The Constitution of the United Republic of Tanzania under Article 18 guarantees the right to freedom of expression. However, there have been numerous laws such as the Media Services Act, 2016 Cyber Crimes Act, 2015, Statistics Act, 2015 and the Regional Administration Act, 1997 etc which have to a greater extent been used to restrict and/or curtail freedom of expression for different groups and to all Tanzanians at large.
- For the short period of time that these draconian laws have been in force, we have witnessed a rampant ban of media houses/newspapers, attack, malicious prosecutions, arrests and enforced disappearance of

journalists and unreasonable fines to media houses which air news that are critical to the government. This situation has mounted fear to the media industry such that journalists are now working under insecure environment and hence fear to air news about violations of human rights, rule of law and democratic situation in the country.

- Some of the media houses have been banned to air news on the recent election especially those news which showed some shortfalls in the election process. We are astonished to learn that ITV is now supposed to seek public apology to the Electoral Commission for airing live news which revealed theft of polling box during the election process.
- Rule of law, democracy and political rights have been under constant threat following unfair treatment by enforcement organs. For instance, Police Force in the country has failed and/or remained adamant in remaining independent when it comes to the matters of security of people and the government or political parties and hence causing severe problems to different citizens of this nation.
- The National Electoral Commission (NEC) at local level has clearly revealed itself that it is not independent and free to monitor the upcoming elections. Its constitution and representatives have direct connection with political parties that are running for election. It vividly seen that there are some of the issues that the Commission has failed to stand on during this past election hence leading to public chaos, deaths and injuries to both political party leaders and normal civilians. For instance, the recent incident of the death of Akwilina Baftah is a result of election given the failure of Electoral Commission at district level to effectively supervise the election. More information on election will be shared by CSOs which participated in election monitoring after the information are inspected by NEC following the new directives.

(iv) The Situation of Human Rights Defenders and CSOs

- Human Rights Defenders have continued to work in a bad environment where most of them have been charged, assaulted, given bad names and even their citizenship being questioned.
- Different groups and civil society organizations have continued to work in a poor environment, where their freedom to work and express themselves has been very limited contrary to the Constitution of the United Republic of Tanzania and other laws establishing and / or protecting the interests of civil society organizations.
- We have witnessed civilian institutions threatened to be banned while carrying out their legal obligations. The role of civil society organizations has diminished from the statements of government officials as well as measures taken by the government so that civil society organizations fail to fulfill its responsibilities effectively and in a timely manner in several areas of the country.
- For example, many CSOs have now failed to publish TV spots in the media due to a requirement of obtaining a permit from the Ministry of Regional Administration and Local Government (TAMISEMI). For instance TV spots such as those which used to be published by HAKIELIMU, under the current situation they must first be approved by the ministry before they are published.
- CSOs going to work upcountry are facing challenges due to a requirement that they should first obtain a permit from TAMISEMI before going to such areas.
- CSOs are also unable to issue election reports due to the requirement that they should first submit the reports to the Electoral Commission for review before they are published. This challenge goes hand in hand with the challenge of obtaining approval of CSOs as election observers.

We (CSOs) have decided to perform our responsibilities by discussing together and find out how we can address these challenges and move forward. If these challenges are not properly addressed, this nation may enter into conflicts and we may ultimately lose our peace.

CSOs CALL TO THE GOVERNMENT AND RELLEVANT INSTITUTIONS

1. The government should re-consider revitalizing the constitutional making process due to the fact that the new Constitution is a solution to various social problems in the current situation.

2. We urge the Government to establish an Independent Electoral Commission before the 2019 and 2020 elections, which will be able to balance equality and justice for all parties to avoid conflicts that may arise from the Commission's failure to maintain equity principles in the election.

3. We recommend that an independent committee should be established. The committee should be comprised of CSOs, Religious Institutions, Media, Political Councils, Citizens, Judges / Magistrates, Police, Human Rights Commission and Good Governance to conduct independent investigations on the deaths that occurred during campaigns in Kinondoni constituency. In incidents where the police are the suspects, it is a serious mistake to leave them investigate for themselves and this has now become the source of continuance of such unacceptable acts.

4. Institutions responsible for administration of justice such as the Police and the Court should be free in carrying out their responsibilities in order to avoid anxiety and the idea that has begun to appear apparently that our rights delivery agencies are not free.

5. We call on the Police Force to fulfill its mandate with professionalism, abide by the laws, and avoid to relying on one side in order to avoid the resentment, hatred and violence that is increasing to the citizens against the police.

6. The police force should work in partnership with citizens and Civil Society Organizations and in any case never again use firearms to disperse civilians who are in peaceful demonstrations.

7. Police Officers accused of killing Ms. Akwilina Baftah should be brought to justice immediately.

8. The Kinondoni electoral officer should reflect his conducts during the election over the agents of political parties and determine on whether he has the legitimacy of continuing to be in that position again.

9. The Commission on Human Rights and Good Governance should intervene against the violation of human rights in the country by conducting independent research on what is happening in the community and proposing appropriate ways to address human rights violations in Tanzania.

10. We urge civil society organizations, governmental organizations, parliamentarians, politicians, other organizations and stakeholders to continue raising their voice and join together to fight for justice, rule of law, democracy

and peace of the country mostly in this period where there have been increased incidents of human rights violations.

11. We recommend that a national committee should be formed to bring together all groups in the community and discuss issues of peace and solidarity of the nation.

12. We urge government officials to see the importance of considering these voices by giving the opportunity to talk with this group in order to receive many suggestions that the CSOs will provide for the future of our Nation.

13. Political parties should continue to use peaceful ways to claim their rights when they are violated, while CSOs continue to seek a peaceful and conscientious approach with relevant institutions and leaders in general.

14. The Parliament should perform its responsibilities as it was done in past events, by establishing parliamentary committees to investigate the current situation of rule of law, human rights, security of people and equality

15. We urge government leaders (especially those with negative attitudes about CSOs) to consider Civil Society as development partners and thus eliminate current emerging barriers to CSOs as they perform their responsibilities.

Lastly, CSOs in this petition offer our condolences to the family, relatives and friends of Ms. Akwilina and all who lost their loved ones. May the deceased rest in peace. Amen.

It has been issued by the CSOs Directors Forum Tanzania today on 21/02/2018

By:

CSO's DIRECTORS SIGNATURES

1. KAJUBI MUKAJANGA – MEDIA CCOUNCIL OF TANZANIA
2. ROSE SARWATT- TANZANIA WIDOWS ASSOCIATION
3. CHRISTINA RUHINDA – TANZANIA NETWORK OF LEGAL AID PROVIDERS
4. USU MALLYA- UN WOMEN
5. JANE MAGIGITA - EQUALITY FOR GROWTH
6. JUDITH ODUNGA - VETERAL CSO EXPERT
7. JOSHUA L.NTANDU - EMPOWER SOCIETY, TRANSFORM LIVES (ESTL)
8. GLADNESS MUNUO – TANZANIA MEDIA WOMEN ASSOCIATION
9. SOPHIA KOMBA - CENTRE AGAINST GENDER BASED VIOLENCE

10. JUSTA MWAITUKA – KIOTA WOMEN HEALTH & DEVELOPMENT ORGANISATION
11. JOAN CHAMUNGU – TANZANIA NETWORK OF WOMEN LIVING WITH HIV/AIDS
12. MICHAEL KEHONGO MARWA - THE NATIONAL CHILD HELPLINE C-SEMA
13. ERICK GUGA - CHILD RIGHTS FORUM
14. MARTINA KABISAMA – SOUTHERN AFRICA HUMAN RIGHTS NGO-NETWORK
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16. FLORA MASOY - MOROGORO PARALEGAL
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18. HASSAN KHAMIS - ASSOCIATION OF NGOS ZANZIBAR
19. HELEN KIJO BISIMBA - LEGAL AND HUMAN RIGHTS CENTRE
20. SCHOLASTICA PEPMBE - NEW HOPE NEW WINNERS FOUNDATION
21. ABRAHAM SALIM - ACTION FOR RURAL WOMEN DEVELOPMENT
22. EDWARD MBOGO - NGO NETWORK FOR DODOMA
23. BAKAR KHAMISI – KEPA TANZANIA
24. HAMZA SUNGHE - KINGONET
25. CATHLEEN SEKWAO – TANZANIA EDUCATION NETWORK/MTANDAO WA ELIMU TANZANIA
26. SALMA SAID – CHAMA CHA WAANDISHI WA HABARI ZA MAENDELEO ZANZIBAR
27. JOHNSON LUGENGE - SHALOM OPHARNAGE AND CHILDREN CARE CENTRE
28. ROBETH KAMKIA - PALISEP TANZANIA
29. AMANI MHINDA- HAKI MADINI
30. JOHN NGINGA – TUNDURU PARALEGAL CENTRE
31. EDWARD POROKWA - PINGOS FORUM
32. NICOMEDES KAJUNGU- THE NATIONAL UNION OF MINE WORKERS TANZANIA
33. VICKY NTETEMA - UNDER THE SAME SUN
34. UTTI MWANG’AMBA - CENTRE FOR WIDOWS AND CHILDREN ASISTANCE (CWCA)
35. AUDAX RUKONGE – AGRICULTURE NON-STATE ACTORS FORUM
36. NGUNGA TEPANI - TANZANIA ASSOCIATION OF NGOS (TANGO
37. TIKE MWAMBIPILE -TANZANIA WOMEN LAWYERS ASSOCIATION
38. JIMMY LUHENDE - ACTIONS FOR DEMOCRACY AND LOCAL GOVERNANCE (ADLG)
39. FLAVIANA CHARLES - BUSINESS AND HUMAN RIGHTS
40. SARA KITAINDA - SADELIN HEALTH CARE TRUST

41. ISMAIL SULLEIMAN – THE NATIONAL COUNCIL OF NGOS
42. UMMY NDERIANAGA - SHIVYAWATA
43. PETER BAYO – ARUSHA NGO NETWORK
44. LUTGARD KAGARUKI - TANZANIA TOBACCO CONTROL FORUM
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45. NICAS NIBENGO – BASE FOR EDUCATION DISSEMINATION
46. ISRAEL ILUNDE - YOUTH PARTNERSHIP COUNTRYWIDE (YPC)
47. SUZAN SADELIN - SADELIN HEALTH CARE TRUST
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49. IRENEI KIRIA - SIKIKA
50. FRANCIS KIWANGA -FOUNDATION FOR CIVIL SOCIETY
51. HAROLD SUNGUSIA - HAROLD SUNET
52. EDNA CHILIMO - FOUNDATION FOR CIVIL SOCIETY
53. EDWIN SOKO – INITIATIVE FOR GOOD GOVERNANCE AND
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54. DAVID CHANYEGHEA - NEW AGE FOUNDATION
55. JOHN KALAGHE - HAKI ELIMU
56. REBECCA GYUMI - MSICHANA INITIATIVE
57. JANETH MAWINZA - WANAWAKE KATIKA JITIHA ZA
KIMAENDELEO (WAJIKI).
58. ANGELA BENEDICTO - WOTE SAWA
59. STEPHEN CHACHA - AFRICAN PHILANTHROPIC FOUNDATION
60. AMANI ANGOLWISYE – COMMUNITY EDUCATORS AND LEGAL
ASSISTANCE
61. MICHAEL RUEBEN - ELIMU MWANGANZA
62. WILSON LENGIMA - RETURN HOME DEVELOPMENT
ORGANISATION (REDO)
63. DR. SAID SIMON - MOROGORO SAVING THE POOR ORG
(MOSAPORG)
64. LILIAN LUINDI – TANZANIA GENDER NETWORKING PROGRAM
65. DEOGRATIUS NSOKOLO - UNION OF TANZANIA PRESS
CLUBS
66. DR ELIFURAHA LALTAIKA -ASSOCIATION FOR LAW AND
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67. JAMILA JUMA – ZANZIBAR FEMALE LAWYERS ASSOCIATION
68. GIDION MANDESI - DISABLED ORGANISATION FOR LEGAL
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69. LILIAN LOOLOITAI – COMMUNITY RESERCH AND
DEVELOPMENT SERVICES
70. PATRICE GWASMA - COSITA COMMUNITY SUPPORT
INITIATIVES TANZANIA

71. GODFREY PHILIMON - PEOPLES HEALTH MOVEMENT TANZANIA
(PHM TANZANIA)
72. JOSEPH BUYAGA - YOUTH VISION SOUND OF TANZANIA
73. ZAKAYO SHAUDO - AGEN&AGEN USA
74. SAUDA ABDALLA - DISABLED ORGANISATION FOR LEGAL
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75. EDDA B MARIKI - WOMEN AND CHILDREN WELFARE CENTRE
76. OSTACK MLIGO - LEGAL AND SOCIAL ASSISTANCE CENTRE
77. ASNA MSHANA - KEPA TANZANIA
78. JARUO KAREBE - TANZANIA PEACE , LEGAL AID & JUSTICE
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79. NASIEKU KISAMBU- WIFET
80. REHEMA TUKAI - ACCOUNTABILITY IN TANZANIA PROGRAMME
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81. GABRIEL JOHN - PARALEGAL PRIMARY JUSTICE
82. AMANULAS KIBONA - HAKI CATALYST
83. JOHN KASHIA - COMMUNITY HEALTH EDUCATION SERVICES &
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84. ZAKARIA FAUSTIN - TANZANIA NATURAL RESOURCE FORUM
85. JOSEPH PARSAMBEI - TANZANIA PASTORALISTS COMMUNITY
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86. DIANA KIDALA - CENTRE FOR WOMEN UNDER PRIVILEGED
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87. NEMENCE IRIYA - MANYARA REGIONAL CIVIL SOCIETY
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88. GLORIA KASILO - TANZANIA WOMEN HEALTHY NETWORK
89. DOMINIC NDUNGURU - OPEN MIND TANZANIA
90. THEODOSIA MUHULO - WOMENS LEGAL AID CENTRE (WLAC)
91. EDNA KAMALEKI - LEGAL AND CHILD RIGHTS CONSULT
92. REYNALD MAEDA - UNITED NATIONS ASSOCIATION OF
TANZANIA
93. MAXENCE MELO - JAMII MEDIA
94. BENEDICT ISHABAKAKI - HIVOS
95. RECHAEAL CHAGONJA - HAKI RASILIMALI
96. OMARY SHABAAN - ZANZIBAR LAW SOCIETY
97. EVENA MASSAE - COMPREHENSIVE SUPPORT TO PERSONS
WITH DISABILITIES
98. ANNA KULAYA - WOMEN IN LAW AND DEVELOPMENT IN AFRICA
(WiLDAF)
99. KALEB GAMAYA - TANGANYIKA LAW SOCIETY
100. SAIDA AMOUR - ZANZIBAR LEGAL SERVICE CENTRE

101. NEEMA NDEMNO –TANZANIA CENTRE FOR RESEARCH AND INFORMATION ON PASTORALISTS
102. JOHN SEKA - ROAD AND SAFETY AMBASSADORS OF TANZANIA (RSA TANZANIA)
103. DEUS KIBAMBA - JUKWAA LA KATIBA
104. OREDO C OREDO - CIVIC AND LEGAL AID ORGANIZATION
105. ONESMO OLENGURUMWA - TANZANIA HUMAN RIGHTS DEFENDERS COALITION (THRDC)
106. ONESMO OLENGURUMWA - TANZANIA HUMAN RIGHTS DEFENDERS COALITION
107. DAVIS SHYGOTERA - GOSPEL COMMUNICATION NETWORK OF TANZANIA
108. MARIAM CHAKAWA – RURAL WOMEN DEVELOPMENT INITIATIVE
109. ANTHONY LYAMUNDA – CIVIL EDUCATION IN THE SOLUTION FOR POVERTY AND ENVIRONMENT MANAGEMENT
110. JUMA CHUM JUMA – ZANZIBAR AIDS ASSOCIATION AND SUPPORT FOR OPHARNS
110. ABDALLA ALI ABEID – ZANZIBAR FIGHTING AGAINST YOUTH CHALLENGE ORGANISATION