

23 October 2017

## PETITION TO THE GOVERNMENT OF TANZANIA

### **We call on the Government of Tanzania to Respect, Promote and Protect Legal Practitioners and Human Rights Defenders From All Forms Of Threats, Harassment And Intimidation**

Human rights defenders standing in solidarity with the Southern Africa Human Rights Defenders Network (SAHRDN), are deeply committed to fostering a culture of human rights and respect for the rule of law in Southern Africa.

We have observed that the Tanzanian authorities have arrested and detained 13 people including lawyers and activists, after law enforcement agents raided a meeting they were attending in the capital Dar es Salaam. These 13 people are from Tanzania, South Africa and Uganda, and include lawyers who were attending a legal consultation organised by the Community Health Services and Advocacy (CHESA) and the Initiative for Strategic Litigation in Africa (ISLA). The purpose of the legal consultations were in respect of a case which CHESA and ISLA intend to file before the Tanzanian courts to challenge the Tanzanian government's decision to impose some limitations and discontinue the provision of some health services. Although the 13 were initially released on bail, bail was subsequently revoked and they were taken into custody by police on 20 October 2017.

The SAHRDN together with other African human rights defenders consider the arrest and detention of the 13 people as an attempt to stifle freedom of expression, assembly and association as guaranteed in the Tanzanian Constitution and is an abuse of laws by the Tanzanian authorities.

More worrying is the arrest and detention of lawyers which appear to be a concerted effort to prevent lawyers from taking on cases and representing their clients without interference. We urge the Tanzanian authorities to appreciate that freedom and independence of the legal profession is essential for the proper functioning of the rule of law in any democracy.

We urge the Tanzanian government to recognise the valuable role played by lawyers and to promote and support their work in line with the United Nations Basic Principles on the Role of Lawyers, which in Paragraph 23 states that lawyers, like other citizens, are entitled to freedom of expression.

Human rights defenders and the SAHRDN remind the government of Tanzania that it has a fundamental obligation under paragraph 16 of the United Nations Basic Principles on the Role of Lawyers to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and are able to travel and to consult with their clients freely both within their own country and abroad and that they must not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics.

The African Charter on Human and Peoples' Rights, to which Tanzania is a signatory, and the African Union's Principles and Guidelines on the Right to Fair Trial and Legal Assistance in Africa ("the Principles and Guidelines"), also reaffirm these rights. The Principles and

Guidelines further stipulate that the independence of lawyers shall be guaranteed. Further the African Commission Resolution 376 on the Situation of Human Rights Defenders in Africa calls upon states to refrain from harassing human rights defenders. In particular, paragraphs 2 and 3 of Resolution 376 enjoin states to:

2. Take the necessary measures to provide human rights defenders with a conducive environment to be able to carry out their activities without fear of acts of violence, threat, intimidation, reprisal, discrimination, oppression and harassment from State and non-State actors;
3. Adopt specific legislative measures to recognize the status of human rights defenders and protect their rights and the rights of their colleagues and family members, including women human rights defenders and those working on issues such as extractive industries, health and HIV/AIDS, reproductive health, sexual orientation and gender identity, promotion of peace and democracy, fight against terrorism, and respect for human rights.

**Therefore we collectively issue** an urgent call for the following, as a matter of extreme urgency:

#### **TO THE TANZANIA EXECUTIVE**

1. To drop all charges against the human rights defenders and lawyers and to immediately release them unconditionally from detention.
2. To take urgent steps to guarantee the security and safety of all human rights defenders and legal practitioners and ensure that they are able to carry out their activities without fear of harassment, intimidation, arrest or detention as prescribed in Tanzania domestic laws, African Commission Resolution 376 and other international and regional standards applicable to Tanzania.

#### **TO THE TANZANIAN LEGISLATURE**

1. To take steps to domesticate all international treaties, statutes and instruments guaranteeing the independence of the legal profession.
2. To take steps to ensure that adequate legal provisions exist or are included in national legislation to protect the independence of legal practitioners and allow them to carry out their professional duties without hindrance.
3. Through the Committee system, to ensure that attacks on lawyers and their professional work are swiftly investigated through a public hearing of documented cases, including an inquiry into action taken by the appropriate authorities.

**23 October 2017**

**ON BEHALF OF SOUTHERN AFRICA HUMAN RIGHTS DEFENDERS NETWORK, and  
IN SOLIDARITY WITH SAHRDN – HRDS AROUND THE WORLD**

1. African Centre for Democracy and Human Rights Studies (*The Gambia*)
2. African Centre for Justice and Peace Studies (*Sudan*)
3. Article 19 (*Kenya*)
4. Associação Justiça, Paz e Democracia (*Angola*)
5. Civicus (*South Africa*)
6. Digital Society (*Zimbabwe*)

7. DITSHWANELO - The Botswana Centre for Human Rights (*Botswana*)
8. Dullah Omar Institute - University of Western Cape (*South Africa*)
9. Centre for Human Rights -University of Pretoria (*South Africa*)
10. Centre for Environmental Rights (*South Africa*)
11. Centre for Human Rights and Rehabilitation (*Malawi*)
12. Centre for the Study of Violence and Reconciliation (*South Africa*)
13. Colombia Diversa (*Colombia*)
14. Community Legal Aid Institute (*Zimbabwe*)
15. Crisis in Zimbabwe Coalition (*Zimbabwe*)
16. Egyptian Initiative for Personal Rights (*Egypt*)
17. Endorois Welfare Council (*Kenya*)
18. Gays and Lesbians of Zimbabwe (*Zimbabwe*)
19. Human Rights Awareness and Promotion Forum (*Uganda*)
20. Human Rights Watch (*United States of America*)
21. Human Rights Implementation Center – University of Bristol (*United Kingdom*)
22. Human Rights Institute South Africa (*South Africa*)
23. International Commission of Jurists - Kenya (*Kenya*)
24. Initiative for Social and Economic Rights (*Uganda*)
25. Institute for Democracy and Leadership (*Swaziland*)
26. Institute for Human Rights and Development in Africa (*The Gambia*)
27. International Federation for Human Rights [FIDH] (*France*)
28. International Justice Resource Center (*United States of America*)
29. International Service for Human Rights (*Switzerland*)
30. International Youth for Africa (*South Sudan*)
31. Kenya Human Rights Commission (*Kenya*)
32. Lawyers for Human Rights (*South Africa*)
33. Lawyers for Human Rights (*Swaziland*)
34. Lawyers for Lawyers (*Netherlands*)
35. Lembaga Bantuan Masyarakat (*Indonesia*)
36. Leteipan and Makau Advocates (*Kenya*)
37. National Coalition for Human Rights Defenders (*Kenya*)
38. Redress (*United Kingdom*)
39. Robert F. Kennedy Human Rights (*United States of America*)
40. Sexual Rights Centre (*Zimbabwe*)
41. Social and Economic Rights Action Center (*Nigeria*)
42. Social and Economic Rights Action Center (SERAC) (*Nigeria*)
43. Socio-Economic Rights and Accountability Project (*Nigeria*)
44. Southern Africa Litigation Centre [SALC] (*South Africa*)
45. Southern Africa Human Rights Defenders Network (*Southern Africa*)
46. Women of Zimbabwe Arise (*Zimbabwe*)
47. World Organisation Against Torture [OMCT] (*France, Belgium, Switzerland*)
48. Zimbabwe Human Rights Association (*Zimbabwe*)
49. Zimbabwe Human Rights NGO Forum (*Zimbabwe*)
50. Zimbabwe Lawyers for Human Rights (*Zimbabwe*)
  
51. Adolfo Ruiz Ferreira (*Paraguay*)
52. Adrian Jjuuko (*Uganda*)
53. Agnes Muzondo (*Zimbabwe*)
54. Ali Mohamed (*Namibia*)
55. Andrew Makoni (*Zimbabwe*)

56. Beatrice T Mtetwa (*Zimbabwe*)
57. Bellinda Chinowawa (*Zimbabwe*)
58. Beverley Hargrove (*South Africa*)
59. Blessing Gorejena (*Zimbabwe*)
60. Bradley Blackburn (*Namibia*)
61. Brian Penduka (*Zimbabwe*)
62. Caine Youngman (*Botswana*)
63. Charles Kwaramba (*Zimbabwe*)
64. Chester Samba (*Zimbabwe*)
65. Clarence Siziba (*Zimbabwe*)
66. Connie Nawaigo-Zhuwarara (*Zimbabwe*)
67. Conrad Bosire (*Kenya*)
68. Corlett Letjlojane (*South Africa*)
69. Cynthia Nunu (*Zimbabwe*)
70. Danthong Breen, Union for Civil Liberty (Senior Adviser & Head of Death Penalty Division)
71. Daphine Agaba (*Uganda*)
72. Dewa Mavhinga (*South Africa*)
73. Diana Tjombe (*Namibia*)
74. Dr Nora C. Ho Tu Num (*Mauritius*)
75. Ennid Roberts
76. Eric Bizimana (*Burundi*)
77. Eric Matinenga (*Zimbabwe*)
78. Evan Mawarire (*Zimbabwe*)
79. Evan Tjombe (*Namibia*)
80. Farai Mutsaka (*Zimbabwe*)
81. Ferdinand Tjombe (*Namibia*)
82. Fiona Iliff (*Zimbabwe*)
83. Gift Mtisi (*Zimbabwe*)
84. Godfrey Mupanga (*Zimbabwe*)
85. Humphrey Ndondo (*Zimbabwe*)
86. Inna Shapaka (*Namibia*)
87. Jabulani Leader Mhlanga (*Zimbabwe*)
88. Jacob Mafume (*Zimbabwe*)
89. Jeremiah Bamu (*Zimbabwe*)
90. Job Sibanda (*Zimbabwe*)
91. Joseph Modi (*South Sudan*)
92. Juergen Schurr (*France*)
93. Judy Oder
94. Karin Pluberg
95. Keikantse E. Phele (*Botswana*)
96. Linda Masarira (*Zimbabwe*)
97. Linda Sibanda (*Zimbabwe*)
98. Lison Ncube (*Zimbabwe*)
99. Lizwe Jamela (*Zimbabwe*)
100. Lovemore Madhuku (*Zimbabwe*)
101. Kumbirai Mafunda (*Zimbabwe*)
102. Marufu Mandevere (*Zimbabwe*)
103. Mary Mutupa (*Zambia*)
104. Mlweli Ndlovu (*Zimbabwe*)

105. Moses Nkomo (*Zimbabwe*)
106. Nadine Essmat (*Egypt*)
107. Nokuthula Moyo (*Zimbabwe*)
108. Nontokozo Dube-Tachiona (*Zimbabwe*)
109. Norman Tjombe (*Namibia*)
110. Obey Shava (*Zimbabwe*)
111. Okay Machisa (*Zimbabwe*)
112. Pornpen Khongkachonkiet - Director of the Cross Cultural Foundation (*Thailand*)
113. Prisca Dube (*Zimbabwe*)
114. Raphael Tjombe (*Namibia*)
115. Raphael Tjombe Jnr (*Namibia*)
116. Romeo Gumede (*Zimbabwe*)
117. Roselyn Hanzi (*Zimbabwe*)
118. Rumbidzai Dube (*Ethiopia*)
119. Sarudzayi Njerere (*Zimbabwe*)
120. Shepherd Chamunorwa (*Zimbabwe*)
121. Shuvai Busumani Nyoni (*Kenya*)
122. Simon Sadomba (*Zimbabwe*)
123. Susan Mutambasere (*Zimbabwe*)
124. Tanaka Muganyi (*Zimbabwe*)
125. Tapiwa Muchineripi (*Zimbabwe*)
126. Tariro Tando (*Zimbabwe*)
127. Ter Mannyang Gatwech (*South Sudan*)
128. Thandaza Moyo-Masiye (*Zimbabwe*)
129. Trust Maanda (*Zimbabwe*)
130. Zemelack Ayele (*Ethiopia*)
131. Zita Arends (*South Africa*)