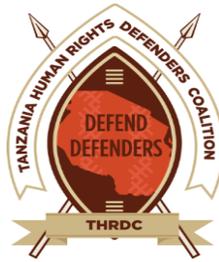


TANZANIA HUMAN RIGHTS DEFENDERS COALITION (THRDC)



PRESS STATEMENT ON SITUATION OF JOURNALISTS, FREEDOM OF EXPRESSION IN TANZANIA

THRDC documented the situation of journalists, freedom of expression and access to information in pre election and post election era. During election period THRDC documented harsh working environments in some areas whereby some journalists were intimidated and at a time assaulted and even closure of Kyela community Radio, however the situation of journalist during 2015 was not shocking compared to other elections period, this can be probably due to be the precaution and preparation taken on issues of security for journalist.

THRDC is concerned with the new trend on the infringement of freedom of expression and access to information especially after election. As the beginning of the new government THRDC has already documented several incidences of journalist harassment, and threats, deregistration of news papers.

For example as case study, the infamous **Newspaper Act 1976** being used to infringe and violate Freedom of Expression and Access to Information in Tanzania. As happened to Mwanahalisi in July 30th 2012 and temporary suspension of Mwananchi and Mtanzania in 2013. The current government has permanently banned publication of a Kiswahili weekly tabloid, '**Mawio**', by the Government Announcement (GN) number 55, issued on January 15, 2016.

THRDC has liaised with the registrar of the Newspaper and the lawyer of the Ministry for Information, Culture and Sports and they alleged that, the newspaper was permanently banned by the Minister because of the recent news story with a heading "***Machafuko yaja Zanzibar***" "***meaning Political unrest expected in Zanzibar***" according to the government this was provoking news stories that have all the ingredients of inciting violence in the country.

Registrar alleged that the particular measure is after sixteen warnings fruitless warnings and meetings with Mawio editors with regard to their style and the kind of news stories they publish. He added that, the Mawio management has even failed to adhere to professional codes of conduct. Ghastly enough at this time the Minister did not only invoked provision of the News paper Act but he went further to cease the electronic circulation and any other electronic communication of the same newspaper such as online means or website as per Electronic and Postal Communication Act (EPOCA) . This move has raised brows among stakeholders

including lawyers, and other academicians condemning the act of a minister invoking law which is under the mandate of another Minister (Ministry of Communication, Science and Technology).

THRDC had a chance to ask about this confusion and the lawyer from the Minister of Information, Culture and Sports narrated that under section 3 of the Electronic and Postal Communication Act (EPOCA) the definition states “Minister” means the Minister responsible for communications except in relation to content and broadcasting services; this means that when it comes to matter of content the Minister of Information is responsible.

THRDC conducted research on the same law, and established that despite the fact that the minister of Information, Culture and Sports has mandate to regulate issues of content under the Electronic and Postal Communication Act 2010, the law does not give him the power to suspend or cease operation of any license or any circulation . **Section 114** of the Act vests such powers to the TCRA only.

The government admitted that the newspaper was banned before **Mawio** replied the letter given to them after they have published the last publication. THRDC interpreted this as **the rights to be heard and rule of law was not taken into consideration**. The same approach was used to during the prohibition of Mwanahalisi in 2012 and the same was criticized by the High Court in recently decision of 2015 whereby the High Court said Mwanahalisi Newspaper to released because at the time of deregistration the government did not followed procedures and rights to be heard was no taken into consideration.

For several years the Newspaper Act has been listed as a law that infringes freedom of expression, this legislation has vested vast power to the Minister responsible.. The News Paper Act 1976 is inherited from the Colonial regime and therefore was purposely tailored to suppress the voice of the colonized. Thus there is a need for the government to act in accordance.

The fact that the minister responsible Nape Nnauye has been a Chama cha Mapinduzi (CCM) figure and is still closely associated with his party while the Mawio newspaper owner is from the strongest opposition party Chama cha Democrasia na Maendeleo (CHADEMA), this may create big tension and suspicion that probably the Minister used his power for personal conflict. Moreover, the bad of **Mawio** will place Tanzania in the list of countries which violate freedom of expression and access to information something that will paint a bad picture of the new government.

With regard to law and international compliance and standard, the prohibition of Mawio has violated Article 19 of International Covenant on Civil and Political Rights (ICCPR) and the African Charter in which Tanzania is signatory. Additionally the government has violated Article 18 of the United Republic of Tanzania Constitution, which provides freedom of expression and opinion. It is worth noting that the ban of Mawio has denied the public the right to get information.

THRDC condemns also the fact that Police has summoned two editors of the same newspaper and wanted to prosecute them for seditions. On Monday two editors of *Mawio*, **Jabir Idrissa** and **Simon Mkina**, were questioned by police about the paper's coverage of Zanzibar, according to Jabir of one the editor said they were set free on bail the following day after the Tanzania Editors Forum pressed for their release. The editors have been ordered to report daily to a local police station until further notice. No formal charges have been filed against them.

THRDC is calling for the the following:

i. To the government

That the government should uplift its ban on *Mawio* taking into consideration that this act is undemocratic and it just paints a negative picture of this country to the international community

That it is now highly time for the Media Services Bill and Access to Information Bills to be modified in accordance with stakeholders recommendations and be tabled to the parliament, so that the Media fraternity to be properly regulated as per agreed international standards.

ii. To the media

Media outlets in the country should come together as one regardless of their differences in order to be able to address issues in unison as well as to do proper self regulation.

Media practitioners particularly journalists and editors should take into consideration issues of National interest and also strictly adhere to their professional codes of conduct.

iii. To the international community

We do appreciate the fact that diplomats and other foreign bodies who form partnership with our government have continued to support local initiatives without breaching international protocols. Hence we request them to join us again in this bid for the benefit of the public at large.

Issued at THRDC office by;

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