



THRDC



JOINT PRESS STATEMENT ON ARBITRARY ARREST AND UNLAWFUL DETENTION OF AN ACTIVIST, TITO MAGOTI

Legal and Human Rights Center (LHRC), Tanzania Human Rights Defenders Coalition (THRDC) and the National Coalition for Women Human Rights Defenders in Tanzania condemn continued infringement of laws and violation of human rights by the police force following unlawful detention of Tito Magoti. It is now more than 90 hours since Tito Magoti, who is a Mass Education Officer at LHRC was arrested by five unknown people on December 20, 2019, around 10:30 am at Mwenge, Dar es Salaam.

After five hours of public outcry from the time Tito was dramatically arrested, police came out and declare that they are holding the activist and other three people for interrogation on undisclosed criminal charges. The Dar es Salaam Special Zone Police Commander, Lazaro Mambosasa declared that police had arrested Tito Magoti and three (3) other persons whose names were undisclosed.

Mambosasa's statement raised many questions including a question as to why he could not disclose the charges and the specific police station in which Tito is being held. Nevertheless, the statement by police was a relief to Tito's family and members of the public who had joined the #BringBackTitoMagoti campaign hoping that after the lapse of 24 hours according to the law, Tito and the three undisclosed accused persons will be released on bail or brought to Court.

After 24 hours, his family in collaboration with LHRC, THRDC and friends took efforts to find him in every police station in Dar es Salaam to no avail. Even the high-level police officers including the Inspector General of the Police(IGP) did not seem to have clues of Tito's whereabouts when reached out by the LHRC.

The behavior of police before and after arresting Tito is questionable. It brings a bad image to the police force. The arrest is contrary to the procedures stipulated under the Criminal

Procedure Act 1985, cap 20 and the constitution of the United Republic of Tanzania, 1977. It is becoming a common practice in Tanzania that police can secretly arrest people, detain them unlawfully, without informing their families. Vivid examples are recent cases of a journalist Erick Kabendera and advocate Maneno Mbunda.

Violation of the Right to Bail

90 hours since Tito's arrest, he has neither been brought to court nor has the police state his whereabouts making it difficult for bail arrangements. Police have no mandate to detain an accused person for more than 24 hours without bail.

The law is clear that when a person is taken into police custody without a warrant for an offence other than an offence punishable by death the accused must either be charged or released. Tito's right to bail which is a constitutional right has been violated. The police are to the time this statement is issued have allowed neither Tito's relatives nor lawyers to see him which denies Tito the right to be represented.

The police are doing all this knowing it is wrong and unacceptable. This raises suspicion and questions to the police force on its intentions towards the accused. This arbitrary conduct by police creates discontent among citizens making it hard for them (citizens) to cooperate with the police hence possibilities for increased mob violence and insecurities in the country.

Our Call

i. The Police and other security agencies are responsible to the public.

They should state Tito's whereabouts so that he can get his rights according to the law or release him for it is now the fourth day and his charges have not been disclosed.

ii. The police force is a tool that is set up for the citizens' protection and their property. Therefore it should not be used to oppress citizens in any way.

iii. Civil Society Organizations (CSOs), human rights defenders, journalists, courts and all human rights stakeholders should stand up together to denounce these unlawful events in the country, especially at this moment when human rights violations are prevalent.

iv. Citizens should take a stand and protest against the ongoing arbitrary actions by police and other security agencies which in turns leads to violations of human rights in the country.

v. Tanzania should revise the constitutional process to set up an independent body that will oversee the functioning and accountability of the Police Force and other security agencies to protect the rights of its citizens when in the hands of the Police.

vii. We also continue to urge other justice entities, especially the judiciary, to strive for greater independence in this period, to work professionally, to protect the rights of the weak and to work following the constitutional, legal and human rights grounds.

viii. We also remind The Commission for Human Rights and Good Governance (CHRAGG) of its constitutional role to condemn and act against violations of human rights. Through this public statement, we bring a formal complaint to the commission on the abuse of rights of the accused in the country.

On top of all these efforts, Legal and Human Rights Centre has today on December 23, 2019, filed a case against the Dar es Salaam Special Zone Police Commander and the Attorney General demanding the bailout of Tito Magoti after four days of unlawful detention. LHRC has lodged a petition at the High Court of Tanzania under the certificate of urgency. (More details to come)

#FreeTitoMagoti

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