



Tanzania Human Rights Defenders Coalition [THRDC]

P. O. Box 105926 Dar es Salaam, Tanzania
Mob: +255 769 642 208 E-mail: info@thrdc.or.tz
Website: www.thrdc.or.tz

STATEMENT ABOUT ERICK KABENDERA'S PLEA AGREEMENT

Today 24th February 2020 Mr. Erick Kabendera has “pleaded guilty” of two counts of failure to pay tax and money laundering after concluding a plea-bargaining agreement with the Director of Public Prosecutions (DPP). Mr Erick and the DPP concluded a plea agreement in accordance to section 194 A, 194 B and 194 C of the Criminal Procedure Act, Cap 20 R.E 2002 under the conditions that, the DPP will drop the charge of leading an organized crime and upholding two charges of failure to pay tax of One Hundred Seventy-Three Million Two Hundred Forty Seven Thousand Forty Seven and Two Cents (Tsh. 173 247 047.02) contrary to section 105 (a) of the Income Tax Act, [Cap 200 R.E 2008] and money laundering of One Hundred Seventy Three Million Two Hundred Forty Seven Thousand Forty Seven and Two Cents (Tsh. 173 247 047.02) contrary to sections 3(u), 12(d) and 13(1)(a) of the Anti-Money Laundering Act No. 12 of 2006 read together with Paragraph 22 of the First Schedule to, and sections 57(1) and 60(2) of the Economic and Organized Crimes Control Act, [Cap 200 R.E 2002] as amended.

As part of enforcing the PB agreement, on 24th February 2020 the Kisumu Resident Magistrates' Court has convicted and sentenced Mr. Erick Kabendera for both two counts as aforementioned. On the first count the court held that Erick has to pay Tanzania shillings two hundred and fifty thousand together with a fine of One Hundred Seventy-Two Million Two Hundred Forty-Seven Thousand Forty Seven and Two Cents (Tsh. 172 247 047.02 - equivalent to \$ 74, 910) or three months of imprisonment and on the second count the court held that Erick has to pay Tanzanian shillings one hundred million (equivalent to \$ 43, 400)

For Mr Erick to be released, he had to deposit a total of 100,000,000 Tsh Million (equivalent to \$ 43, 400) and the balance has to be cleared within six (6) months from the day he was released. Failure to pay, the DPP reserves the right to reframe the charges against him. The plea agreement was submitted in court for registration in accordance to section 194 D (1) of the CPA and the court pronounced its decision basing on the plea agreement. Mr. Erick Kabendera opted for the fine and he has been set free subject to the terms and conditions of the plea agreement. Due to the fact that Mr. Erick pleaded guilty, he has no right to appeal against his plea except to the extent or legality of sentence according to section 194 E (b)(ii) of the Criminal Procedure Act, [Cap 20 R.E 2002].

THRDC sends appreciations to all well-wishers who stood with Erick and his family from the time of arrest to today. For more details about the arrest, detention up to the release of investigative Journalist Erick Kabendera, kindly visit the Trial Observation Report by the Tanzania Human Rights Defenders Coalition on www.thrdc.or.tz by tomorrow on 25th February 2020.

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Board of Directors:

Ms. Vicky Ntetema, Michael Kyande, Kenneth Simbaya, Deogratius Nsokolo, Maxence Melo,
Christina Kamili, Jamila M. Juma, Hassan Kh. Juma, Edwin Soko.

Defending Human Rights is not a Crime!