Analytical Report on the Safety of Journalists in Tanzania

2017 – 2019
FOREWORD

The restriction of access to information may take the form of limited government or official information, harassment of the press, which may lead to censorship and denial. Such restrictions may be imposed by political authorities or by private organizations, or individuals who do not want to cooperate or in an attempt to hide their evils.

Free expression and Media freedom are on decline resulting from both external and internal factors. External factors include unfriendly media and access to information Laws, policy and media regulation enforcement, physical and verbal harassments. Internal factors include lack of unity among media practitioners, lack/low level of professionalism, minimal or no engagement from the academia and inadequate support from related stakeholders. Our activities in monitoring and investigating press freedom/access to information violations in the country have revealed this.

This report documents the state of freedom of expression (FOE) and safety of journalists in Tanzania for the past two years; from September 2017 to June 2019. In addition, this report identifies and highlights incidents of violations or attacks against journalists in particular, that have been recorded in Tanzania. Attacks against journalists or dissidents breeds a culture of fear and insecurity in every democratic society. These incidents of FOE violations have been documented and highlighted by MISA Tanzania and partner organisations such as Media Council of Tanzania (MCT) and Tanzania Human Rights Defenders Coalition (THRDC).

Generally, the state of freedom of expression and that of media in Tanzania has deteriorated in the past two years. Tanzania has consistently dropped down in the World Press Freedom Index from 83rd position in 2017 to 118 in 2019\(^1\). Unfriendly provisions in the legal frameworks remain the main cause of the shrinking space for free expression and press freedom in the country. For example, the enactment and implementation of Media Services Act of 2016; Cyber Crimes Act of 2015; Statistics Act of2015, Access to Information Act of 2016 and related regulations such as Electronic and Postal Communications Act, Online Contents Regulations 2018, harbour unfriendly provisions that create unfavourable conditions for journalists and media to freely exercise their rightful obligations both offline and online.

Despite the new media laws having sections that promote responsible and professional journalism, other provisions, i.e. seditio offences and defamation provisions impose unnecessary restrictions which undermine journalists’ exercise of editorial independence. Consequently, media and journalists exercise strict self-censorship to avoid contradicting government agenda. Overall, there is a lack of diversity of views in the media, journalists and media are free to praise but hardly question or criticise actions of the bureaucrats.

The media and journalists have been under constant attacks by powerful individuals and institutions in their bid to do their work. Incidences of authorities to constantly apply law enforcers without judicial approval, to harass and threaten journalists and the media whenever they question and/or are being critical of the government have been reported. The common forms of FOE violations recorded in the country include suspension of newspapers; imposition of fines on Radio and Television stations; arbitrary arrest and detention of journalists; closure of online media; verbal and written warnings issued to media and journalists by business people, politicians and other powerful people in the communities.

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\(^1\) Journalists Without Borders 2017 -2019 Reports
1. INTRODUCTION

One of the major strategic functions and mandate of MISA Tanzania is to monitor and report on the state of media freedom and freedom of expression in Tanzania and countries in the Southern African region using its FOE tracker. Through the freedom of expression (FOE) tracker, MISA Tanzania can monitor, analyse, document and communicate with the wider society on the violations against free expression as well as positive practices toward achieving pluralism of views and opinions.

In collaboration with the Africa Freedom of Expression Exchange (AFEX), MISA Tanzania has put together this report to monitor and report violations against press freedom and journalists’ safety in particular. The findings of this report were the result of review of official records and newspapers done in Dar es Salaam and fieldwork study conducted in Tabora, Shinyanga and Mwanza regions. The report is written in three parts covering the state of freedom of expression in Tanzania, the key findings on the major threats to freedom of expression; and conclusion.

The data in the report were collated using literature review, media monitoring of print, radio, TV and online platforms, physical visits and interviews (face to face and phone).

2. PART ONE: THE STATE OF FREEDOM OF EXPRESSION IN TANZANIA

Tanzania is a democratic country. Since early 1990s the government has been striving to build and strengthen its democratic systems and institutions. The country has shown improvements on issues of good governance, rule of law, accountability and transparency, human and civil rights protection. While some improvements are evidenced in the above-mentioned spheres, there are growing concerns on the protection and promotion of freedom of expression and media freedom in the country in recent years.

As a fourth estate, media and journalists are the corner stone of any democratic society. A free media allows citizens to express their views on how their country is or should be governed. Press freedom and freedom of expression broaden citizens’ knowledge on issues of importance and allow them to make informed decisions on matters affecting their livelihood. Unfortunately, in the last decade, studies indicate there are signs of deteriorating freedom of expression and media freedom in the country in recent years.

It is true that there is no absolute freedom of expression without limitations. The current government is taking measures to promote responsible journalism and control the misuse of freedom. Unfortunately, the more the government exercises such control the more it restricts the basic rights to freedom of expression and press freedom. The shrinking space for press freedom and press freedom has resulted in a reduction in critical reportage in the country.

The vibrant media and journalists who used to uncover corruption scandals in Tanzania such as the Richmond Scandal (In 2006 Tanzania faced a serious crisis in electricity supply and, as an emergency measure Richmond was awarded a contract to supply generators to provide 100 megawatts at a cost of TZS 172 billion; about $74,298,300 US Dollars.) and Another scandal was the External Payment Arrears (EPA) Scandal in 2008 (a team appointed by the former President Jakaya Kikwete to investigate the EPA scandal has failed to recover TZS 90 billion), such stories and related are no longer reported or investigated. Differing viewpoints critical of the government are almost non-existent in the media. Even online platforms which remain the breathing space for most of citizens are currently under strict legal control.
Consequently, the number of freedoms of expression and media violations is increasing with the introduction of new media laws notably Media Services Act (MSA) of 2016; Statistics Act of 2015; Cyber Crimes Act of 2015; Access to Information Act of 2016 and related regulations. Some provisions of the above-mentioned laws are very restrictive and therefore harmful to journalists and media in meeting their obligations.

Between September 2017 and June 2019 there have been more than 40 FOE violations including intimidation, harassment, suspensions, closure and fines of media, arrest and detention, abductions and disappearance of journalists as reported by media rights and human rights organisations) cases of in the country.

This report summarises known cases of violations perpetrated against journalists and media across Tanzania.

2.1 Types of Violations against Journalists and Media workers
Cases on freedom of expression violations and threats against journalists’ safety are recorded daily or periodically. The most common reported cases against journalists are in the form of verbal; text messages and formal written warnings; police arrest and detention; abductions and disappearances; suffocation through denial of government adverts; suspending publications; imposition of hefty fines on media.

It should be noted that most of the violations recorded targeted journalists working outside the capital in community media and online media receive limited or no coverage at all on mainstream media in the country. For example, between April 2019 and June 2019 only four cases were reported on newspapers compared to more than 10 cases which were shared among media stakeholders via social media and other interpersonal communication platforms.

3. PART TWO: KEY FINDINGS
MISA has undertaken a study with the aim of documenting reported incidents on violations of press freedom and safety of journalists while on duty. The exercise involved reviewing and analysing newspapers on monthly basis, and official reports that documented such violations committed against journalists and the media.

The findings suggested that most of identified violations were committed by government authorities particularly the Police, officials of the ministry of Information, Art and Sports and unknown persons. Between 2017 and 2018 a total of over 35 journalists were harassed, abducted, threatened and warned, arrested and temporarily detained by the police.

Also, the findings showed that in the past two years over 34 people were arrested, temporarily detained before appearing in the court of law charged under the Cyber Crimes Act of 2015 for running unregistered/unauthorized online media platforms.
3.1 Findings from Newspaper Review

Review of newspapers was conducted between April and June 2019 in order to assess the reported cases of violations against journalists and the media. A total of six daily newspapers were reviewed and analysed as illustrated in the graph below:

The findings suggest that for three months, only three stories on violations committed to journalists were reported by two newspapers only, namely Mwananchi and Tanzania Daima. The published stories were on the developments on the whereabouts of Azory Gwanda, Mwananchi Correspondent from the Coast region in Tanzania who went missing since September 2017. Unfortunately, the findings do not reflect the reality that cases of violations against journalists have been happening across Tanzania, but they receive little or no coverage in mainstream media.

The findings revealed scarcity of coverage of violations raising a major concern on why journalists in Tanzania are not interested in reporting violations against their safety. It was also noted that mainstream media gives less importance to violations that target periurban/upcountry journalists, small media and online media who make the largest vulnerable group of journalists who get harassed and/or attacked regularly.

3.2 Findings from Fieldwork conducted in Tabora, Shinyanga and Mwanza

MISA undertook a field study to these areas to investigate and document incidents on the attacks of upcountry journalists in Tanzania. Through contact persons located in different regions, MISA was able to obtain tips on violations against journalists. In this regard, MISA staff visited Tabora, Shinyanga and Mwanza regions and conducted face to face interviews with victims of violence. Three cases were documented in the Tabora Municipality; 2 cases were recorded in Shinyanga city in northern Tanzania and another 2 were documented in the Mwanza region. The documented violations were in the form of harassments, threats and intimidations.
Case 1: Physical Threat against Najjat Omar: Najjat Omar is a journalist working with CG Radio FM in the Tabora region. In June 2017 she was physically assaulted by the villagers of Chaganya village in Igunga district in the same region. It was alleged that the villagers were under the influence of one of the prominent and influential people in that village. She was in the village to interview four girls who were allegedly sexually abused by their biological father. Ms. Omar received a tip on the story and visited the village with the help of the Village Executive Officer (VEO). She secretly met with the girls and had an interview with them. However, after the girls’ father who is very influential in the village realised her daughters were talking to a journalist, he mobilised a section of the villagers to assault the journalists for interviewing his kids without his consent. The journalist narrowly escaped from the village with the help of VEO. The incident was reported to the police station and the father of the girls was arrested later. The girls were also rescued and put under the care of Social Work Department.

Case 2: Harassment against Najjat Omar: in another incident Najjat Omar in February 2018 she was again assigned to cover a story in a stakeholders’ meeting on Malaria which was held at Tabora Municipal Council hall. Unfortunately, the journalist was immediately dragged out of the hall by the meeting coordinator for allegedly being an intruder i.e. she was not invited. After the meeting Ms. Omar confronted the coordinator and threatened to report him to higher authority for harassment. Since that day, she attends and freely covers stories and activities organized by the office of Municipal Council Director.

Case 3: Harassment and Threats against Frank Mshana: Frank Mshana is a freelance journalist stationed in Mwanza city. In July 2018, some officials suspected to be working at the office of the Prime Minister (PM) seized Mshana’s camera and deleted photos the journalist had taken regarding a visit by the PM to the city of Shinyanga. The PM was visiting the Buzwagi gold mine in the region. Mshana was one of the journalists selected to cover happenings at the mine when he was harassed by the PM’s assistants and officials from the secret service. Although the journalist provided his security clearance in order to cover the event, his assailants went ahead to confiscate his camera claiming they were going to review the content. Unfortunately, they returned the camera without the memory card and when he asked for it, they refused to give it to him. Mshana contacted the Regional Police Commander (RPC), District Commissioner (DC) and another assistant of the PM to intervene by retrieving his memory card for him but he was unsuccessfully.

Case 5: Threats against Charles Mseti: Charles Mseti is a journalist stationed in Mwanza city. In September 2016 he was conducting an investigation on a farewell party organised for the out-going District Commissioner of Nyamagana district in Mwanza contrary to a directive given by President John Magufuli that prohibited such parties in his administration. In his investigation he found that the DC’s office had financed the party. When reached for comments, the DC confirmed to have organised such party but claimed it was financed by stakeholders and not his office. After publishing the story in the newspaper, the journalist started to receive verbal threats from the DC, the Mayor and other officials. He was denied access into DC and Mayor’s offices and even when he tried to enter the building he was apprehended by the auxiliary police and sent to the Central Police station for interrogations but later released.
Case 6: Threat against Abeid Suleiman: Abeid Suleiman is a journalist based in Mwanza city. On June 20, 2019 Suleiman was invited by the by the Judiciary of Tanzania, Shinyanga office to cover the Law Week Exhibition. The guest of honor was the Regional Commissioner (RC) of Shinyanga region. In her speech the RC blamed the police and judiciary for excessive engagement in corruption in the country. Suleiman wrote his news story based on this angle. After the story was published, he was accused of misreporting the happenings at the event. He also received threats from alleged officers of the Judiciary and was consequently barred from all events organized by the Judiciary. However, the journalist continues to cover stories about the judiciary with professionalism, a fact some official of the judiciary have acknowledged. Other violations recorded in Tanzania are discussed in the section below. Data here was gathered from our monitoring and reporting of FOE violations against journalists working in the country:

3.3 Findings from Dar es Salaam and Rufiji:

Case 7: Abduction and Disappearance of Azory Gwanda: On September 27, 2017, Azory Gwanda, a freelance journalist and correspondent of Mwananchi newspaper was abducted by unknown persons in Kibiti district, Coast region. Since then the fate of Gwanda is unknown. Gwanda was investigating killings of local government and security officials that were taking place in district.

Case 8: Arrest and temporal detention of Charles Kombe: Charles Kombe is a freelance journalist and blogger based in Dar es Salaam. He works as a radio reporter for Mlimani Radio. In June 2019 he was arrested by the police for allegedly operating an unregistered blog. He was detained for 13 days without trial at Mabatini Police station. Kombe was charged under the EPOCA Online Content Regulations which requests a blogger to pay around one million shillings (about $430 US Dollars) as registration fee, which in essence, very few bloggers afford. The journalist is currently on bail pending trial on the matter.

Case 9: Arrest and detention of Veronica Bisendo: Veronica Bisendo was a journalist working with TV1 in Dar es Salaam. In February 2019 she was arraigned before court and was briefly detained by the police for allegedly video recording chaos that happened at the Registration Insolvency and Trusteeship Agency (RITA) offices in Magomeni, Dar es Salaam. The security officials accused her of wanting to share the videos on social media for malicious reasons. However, interview with close friends and co-journalists at TV1 revealed that Bisendo went to RITA offices in Magomeni for personal services. However, she was dissatisfied with the poor services and the improper manner in which official at RITA were handling customers and decided to video it and report to higher authorities for action. The security agents apprehended Bisendo while she was about to report the incident. She was released later on bail but pending court trial.

Case 10: Suspension of Media Outlets, Warnings and Fines: There has been an increase in attacks against press freedom since the adoption of new media laws many of which have been critiqued as containing repressive elements. As pointed earlier, since the adoption of Tanzania’s Cyber Crime law, the country has witnessed closure of several blogs while many bloggers have been charged for operating unregistered online media. There has also been an increase in the number of newspapers are being warned by state actors for being critical of the government and some have been
temporarily suspended for violation of provisions of Media Services Act of 2016 and Statistics Act of 2015 and its amendments of 2018 and 2019. For instance, on February 2019 The Citizen newspaper and its online platform was suspended in February 2019 for seven days following the publication of a story about the depreciation of the Tanzanian Shilling against the US Dollar which authorities deemed misleading.

Discussions with journalists working in both print and electronic media show that editors and managers are under a lot of pressure with regards to what kind of content should be published or aired. Newsrooms continue to exercise strict self-censorship for fear of intimidation or reprisal from government officials.

Summary of Findings:
From the above selected cases, security agents are identified as the major perpetrators of attacks against journalists through the use of intimidations, threats and arbitrary arrests and detentions. Other government officials such as politicians and influential actors were also accountable for violations and mistreatment of journalists carrying out their work. Most of these attacks seek to prevent journalists from covering stories that contradict the narratives and/or appear to damage the government’s positions. Although there has been a decrease in cases of journalists’ abductions, disappearances or murder, threats, harassments, intimidations and arbitrary arrest remain the common types of violations recorded in 2019.

4. LEGAL CHALLENGES ON VIOLATIONS AGAINST JOURNALISTS/MEDIA

There is an outcry for review and amendment of sections of new media laws being implemented in Tanzania. The laws have been contested in the court of law often-times with little success. The only remarkable success is the judgment of East African Court of Justice (EACJ) which in March, 2019 ruled that several sections of Media Services Act violated freedom of expression and access to information as expressed in the East African Treaty.

Apart from that judgment, the legal framework governing media operations is still challenging. Some provisions of laws and related regulations restrict people’s access to information and have negative repercussions to journalists who are the major victims of legal sanctions. Unfortunately, majority of local journalists have limited basic knowledge on these legal provisions that they often fall victim to these laws.

The government, through the respective officials of various Ministries and sectors continue to reiterate its commitment and readiness to work together with media stakeholders to find solutions that best serve both sides. Unfortunately, there are so many government promises to review the laws but nothing has been done to improve the situation. The political will of the government to address the current legal challenges is crucial in repelling unfriendly legal provisions which not only impair journalistic work but also limit citizens’ right to freedom of opinions.
5. PROGRESS MADE BY MISA TAN

5.1 Capacity building trainings for local Journalists: For the past two years, MISA Tanzania has been organising and conducting capacity building trainings for local journalists to broaden their knowledge on new media laws. MISA Tanzania realised that majority of upcountry journalists mainly working in community radios and correspondents of mainstream media have little or no basic legal knowledge on how to defend themselves. These trainings on the Media law have enabled local journalists to familiarise themselves with provisions of the laws so as to know how to defend themselves. Also, MISA Tanzania conduct series of training workshops on media ethics to enhance the level of professionalism among journalists and within the media. Most journalists get themselves in trouble with the authorities because they fail to observe journalism professional codes of ethics either knowingly or otherwise. These trainings broaden their understanding about the dos and don’ts in journalism reporting.

5.2 Journalist safety and security trainings: MISA Tanzania has been actively engaged in training local journalists on safety measures. Journalists have been under attacks from security instruments, politicians, businesspersons, and other influential people. It is therefore important to impart journalists the basic safety skills on how to take precautionary safety measures against possible threats.

5.3 Human rights and Freedom of Expression Trainings: MISA Tanzania conducts series of trainings on human rights and freedom of expression issues for journalists and other media stakeholders. These trainings empower local journalists on their basic human rights and freedom of expression issues in order to promote the same.

Most importantly, MISA Tanzania has been collaborating with local and international partners in effort to address challenges in the press freedom landscape and journalists’ safety and security. It is in response to this that, MISA Tanzania and AFEX have put together this report to highlight developments and challenges with regards to the press freedom and safety of journalists situation in Tanzania.

6. CONCLUSIONS AND RECOMMENDATIONS

The report outlined the state of freedom of expression in Tanzania in the past two years. Specifically, the report documented sampled cases on violations committed against journalists and media. In particular, the report shows that the common violations against journalists were experienced in verbal and physical threats, harassment and intimidations, arbitrary arrests and detentions, suspension, warnings and fines imposed on media outlets.

The report identifies security agents and government officials as the major perpetrators of the violations recorded against journalists and the media. In addition, implementation of some provisions of new media laws is the thorn in the flesh of most journalists. Having limited knowledge on media laws among large group of journalists was also identified as a hindrance to efforts to overcome legal obstacles restricting press freedom.

The report recommends the following to harness freedom of expression and media as well as safety of journalists in Tanzania:
6.1 Government needs to put in place national mechanisms to ensure the safety of journalists at all time

6.2 Security officials must commit to investigating attacks and violations against journalists working in Tanzania

6.3 Government needs to collaborate with stakeholders to review provisions of legislations that are restrict press freedom and free expression.

6.4 Civil Society Organisations (CSOs) must continue to campaign and advocate for repeal of repressive media laws as well as for the inclusion of provisions guaranteeing the safety of journalists in the country.

6.5 CSOs should continue to conduct training workshops for local journalists to broaden their knowledge on the newly adopted media laws to enable them to defend themselves against unexpected legal challenges.

6.6 Stakeholders must also conduct training on journalists’ safety and security to equip them with safety tips against undue threats on their lives or wellbeing.

6.7 Stakeholders should continue to establish good working relationship with security organs in effort to create a safer and friendly environment for the protection of journalists.

6.8 There is the need to establish strong working partnerships with national, regional and international organisations to defend promote and champion freedom of expression and media as well as of journalists’ security and safety.

6.9 Form coalition of stakeholders and work together to protect and promote security and safety welfare of journalists and protection of media and journalism profession.

End