



AFRICAN FREEDOM
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EXCHANGE (AFEX)

SAFETY OF JOURNALISTS SITUATION IN TANZANIA



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Safety of Journalists Situation in Tanzania

Introduction

The optimism that first greeted President Samia Suluhu Hassan's rise to the presidency in 2021 is slowly beginning to dissipate, as she is yet to deliver the widespread reforms she had hinted on. Her predecessor, John Magufuli had the media on a tight leash, introducing a number of laws that all but criminalised investigative journalism and shut down critical media organisations.

When Suluhu took over after Magufuli's death, she hinted on a number of reforms, re-opened shuttered media houses and promised to be different from her predecessor. The first signs were promising and it was hoped that this would improve relations between the media and the authorities.

However, two years since she came into power, Tanzania continues to perform poorly on the world press freedom indices, while perpetrators of crimes against journalists remain unpunished. The government is yet to account for the disappearance of freelance journalist Azory Gwanda, while the death of broadcast journalist Blandina Sembu remains unsolved.

Regional authorities seem to run roughshod over the rights of journalists, with commissioners usually being accused of leading in terms of committing violations against the media.

Such incidents, among many others, are a scar on the conscience of Tanzanians and retract from all the optimism that greeted Suluhu's rise to power.

The media law reform agenda has all but stalled, with the government not going as far as it had promised in improving the legislative environment.

Overview of legislative and policy environment

The Swahili saying "*kufa kufaana*", which means benefiting from the passing of someone, describes best the optimistic environment around press freedom in Tanzania following early promises of reform of the media sector from President Samia Suluhu.

Immediately after she ascended to power, she started to loosen the tight grip approach exercised by her predecessor John Magufuli's regime. Magufuli died on 17 March, 2021. Attacks on the media did not start with Magufuli, but his time in power was characterised by endless press freedom violations. These include enactment of repressive media laws and many other administrative measures, which still affect the sector to-date.

During Magufuli's administration (November 2015- March 2021) a number of restrictive laws such as the Media Services Act 2016¹ and a series of regulations on Electronic and Postal Communications Act 2010 (EPOCA), were enacted. These laws exacerbated an already unfriendly media legislative framework that existed before his reign.

The EPOCA regulations – 2018, 2020, 2021 and 2022 – and the Cyber Crime Act 2015 have been used to thwart freedom of the media and freedom of expression in Tanzania. Such a restrictive media legal regime has been a source of self-censorship and media violations including assaults, misuse of power, hefty fines, ban and periodic suspension of media houses.

In efforts to improve the media freedom landscape in the wake of Magufuli's death, a few months into power President Samia Suluhu ordered the lifting of a ban on more than 100 online platforms, whose licences had been suspended for various reasons. Also, she ordered the reinstatement of four privately-owned newspapers – *Mawio*, *Mseto*, *Mwanahalisi* and *Tanzania Daima* – which were suspended at different times from 2016.

In addition, she instructed the respective ministry to review laws regulating the sector for possible reforms. Also, on different occasions, the president reiterated her commitment to open up the space for freedom of the media and freedom of speech in the country.

However, despite this commitment, media law reform pace has been very slow. Since 2021 to date, only the Media Services Act has been reviewed. The proposed amendments to the law accommodated minimal input from media stakeholders.

Out of the 22 proposed areas for amendments that were put forward by stakeholders, only nine substantive areas sailed through. These include decriminalisation of defamation, revoking the Director of Information Services Department's powers to coordinate government advertisements and removing claw back clauses on matters of absolute privileges.

The other six areas that were considered include the severity of penalties, which generally reduced either the fines or sentence tenure.

However, some areas that affect the operations of the media were left untouched. For example, section 59 of the Act, which vests too much power to the minister responsible for media, was not amended despite representations from stakeholders. The section empowers the minister, unilaterally and on his whim, to prohibit or sanction the publication of any content that is deemed to jeopardise national security. Other areas of

¹ Amendments on the Media Services Act of 2016 of Tanzania <https://www.civicus.org/index.php/media-resources/news/5553-amendments-on-the-media-services-act-of-2016-of-tanzania>

contention are Section 5(e), which gives the Director of Information Services Department the powers to issue annual licences to media houses. These powers are often abused and, thus, threaten the independence and freedom of the media sector, particularly newspapers perceived to be critical of the establishment.

While there generally is optimism over the country's future, the 2023 World Press Freedom Index compiled by Reporters Without Borders (RSF) paints a different picture. Tanzania plunged 20 places from 123 in 2022 to 143, one of the worst declines.² This decline has been attributed to the government's failure to implement key reforms as promised by Suluhi and failure to repeal restrictive press laws.

While the present government is clearly more tolerant and does not enforce repressive media laws as strictly as the previous regime, the media in Tanzania cannot rely on the authorities' benevolence, but rather it needs strong institutions and lasting reforms. To illustrate the danger of failing to implement reforms, Suluhi's administration has suspended³ at least two online media houses.⁴ While others may argue that this is an improvement compared to during Magufuli's reign, the reality is that the shutting down of a media house sends the wrong message.

Issues related to the safety of journalists

One of the issues that continues to blight the media landscape in Tanzania is the failure of the authorities to account for the whereabouts of journalist Azory Gwanda. A freelance journalist working in rural Tanzania, Gwanda has been missing since November 21, 2017. The Tanzanian government has failed to carry out a credible investigation into his fate, and on occasion has dismissed his case offhand. In a BBC interview in June 2019, former Tanzania's foreign minister Palamagamba Kabudi said that the journalist was among several people who had "disappeared and died".⁵

A comparative approach of journalists' safety before March 2021 to present, shows a drastic improvement. There has been a significant decline in the number of attacks on journalists and freedom of expression violations

However, using accepted journalist safety standard indicators such as the United Nations Sustainable Development Goals 16.10 metadata, the media in Tanzania still face

² Tanzania <https://rsf.org/en/country/tanzania>

³ Tanzanian regulator suspends DarMpya online news outlet, citing expired license

<https://cpj.org/2022/07/tanzanian-regulator-suspends-darmpya-online-news-outlet-citing-expired-license/>

⁴ Tanzania shuts down newspaper for publishing falsehoods https://misa.org/blog/media_violations/tanzania-shuts-down-newspaper-for-publishing-falsehoods/

⁵ #WhereIsAzory? <https://cpj.org/whereisazory/>

significant challenges. Attacks on the media still persist and it seems government officials are at odds with the message being conveyed by the president on press freedom. There are a number of abuses being committed by regional commissioners, district commissioners and the police on media practitioners.

Between March, 2021 and July 2023, the Media Council of Tanzania (MCT) and Union of Tanzania Press Clubs (UTPC), through their national registers, recorded and reported a total of 62 media violations across the country. The media violations included arrests, threats, assaults, banning, fines, harassment (forceful eviction/denial of access), interfering or cutting short on-air radio/TV programmes, confiscation and destruction of tools/equipment.

1. Murder: On 28 March 2021 Blandina Sembu ITV and Radio One (local stations) presenter was found dead and her body thrown alongside the Bagamoyo in Dar es Salaam. While confirming her death Kinondoni Regional Commander Police Ramadhani Kingai said a Toyota Noah, whose registration number could not be identified, arrived at the scene around 11 pm and dumped Blandina's body. It is not clear whether her murder was in line with her professional or personal capacity.⁶
2. Assaults: Journalists in Tanzania have been and continue to be subjected to physical violence, during this period four journalists were assaulted on three different occasions. In these incidents, two were related to their jobs.
3. Intimidation and threats: Government officials and political leaders routinely coerce and intimidate journalists in efforts to suppress journalists. At least 10 such cases have been reported. In April 2022, authorities wrote to journalists requiring them to submit their CVs, national identity document, tribal identities, parents' details (place of birth and employment history). The letters also demanded information on spouses such as names, occupation, academic and employment history. This creates a perception of surveillance that has a chilling effect on the practice of journalism.
4. Arrests and detention: At least 17 cases have been recorded where journalists were arrested or detained for several hours. These detentions go together with improper interrogation which don't follow legal requirements.
5. Suspension and fines: Media laws allow for the suspension of media houses. The Tanzania Communications Regulatory Authority (TCRA) and the Department of

⁶ As we mourn Blandina, let us make the streets safe for women
<https://www.theeastafrican.co.ke/tea/oped/comment/make-the-streets-safe-for-women-3354714>

Information Services (Habari Maelezo) used the Electronic and Postal Communication Act (EPOCA) and its regulations as well as the Media Services Act to suspend a TV station on two different occasions. Two newspapers and two radio programmes were also suspended. These suspensions lasted between 14 days to six months.

In the same manner on July 1, 2022 TCRA permanently suspended DarMpya blog on allegations of breaching EPOCA's online content regulations by operating with an expired licence.⁷ The owner confirmed that the website was in the process of renewing its licence when it was banned. The website reportedly had more than 1 million readers. It is speculated that the website was suspended following its critical coverage on the eviction of the Maasai from the Ngorongoro conservation area.

6. Harassment (forceful eviction/denial of access): In 14 different incidents, journalists were harshly removed or stopped from covering events. In one case, a journalist's equipment was destroyed.
7. Impunity for crimes against journalists: The culture of impunity is breeding and has taken root. The majority of violations barely receive any attention, with the authorities seemingly not keen to investigate any cases where journalists are the victims.

Examples of press freedom incidents

The table below show details on some of the main press freedom violation as occurred from March 2021 to June 2023

⁷ Tanzanian regulator suspends DarMpya online news outlet, citing expired license
<https://cpj.org/2022/07/tanzanian-regulator-suspends-darmpya-online-news-outlet-citing-expired-license/>

Media freedom violations main cases from March 2021 to June 2023

Violation	Name of the Assaulted	Media	Date of Incident	Incident Description	Assailants
Murder	Blandina Sembu	ITV/radio One	28 March 2021	Blandina was found dead and her body thrown alongside the Bagamoyo road, at Mwenge area, in Dar es Salaam.	Unknown
Assaults	Sunday George and Fortune Francis	Mwananchi Communications Ltd (MCL)	22 July 2023	The two journalists were attacked by a group of people while covering the CHADEMA's (political party) political rally in Dar es Salaam, the event resulted in loss of their personal belongings and their car windows were smashed.	Unknown
	Jesse Mikofu	Mwananchi Communications Ltd (MCL)	21 April 2021	Mikofu was attacked and beaten while taking photographs of security forces who were evacuating petty traders at Darajani area in Unguja, his work equipment and personal gadgets got destroyed.	SMZ security
	Mgawe Shemsanga	TV, Harold	2 October 2021,	Shemsanga was arrested and detained for two nights together with members of BAWACHA (CHADEMA's women council) while covering the women's league of the Tanzania's opposition party jogging event in Kawe, Dar es Salaam.	Police Force
Arrests and Detention	Opptertus John Fwema		24 September, 2021	The cartoonist Opptertus John Fwema was arrested and detained at Oysterbay police station. According to fellow cartoonist Nathan Mpangala, Fwema was arrested following a critical political cartoon he published on his Instagram page. Femwa was charged for cybercrime offences. He was released after two	Police

				weeks. The courts acquitted him in September 2022. He was arrested as he left the courts. The new charges are yet to be specified. ⁸	
Intimidation and threats			April 2022	Authorities sent letters to different journalists requiring personal information including CVs, national identity documents, parents and spouse information details like place of birth, employment history, names, occupation, tribes and academic and employment history. The process has since been stopped after presentations were made to the government at the 2022 World Press Freedom Day commemorations.	Ministry of Information
	Joseph John Mwambije	ITV	13 December, 2022	Ruvuma Regional Commissioner sent a letter to Joseph's boss ordering them (ITV) to fire him the grounds that he had been reporting stories that mudslinging the region - The Commissioner also threatened ITV claiming if they do not fire Mwambije, then he can file a case against him.	Government Regional Commissioner
Suspension and fines	DarMpya Blog	DarMpya	1 July, 2022	Permanently banned over operating with an expired licence, while he had started the renewal process.	TCRA
	Raia Mwema newspaper,	Raia Mwema	11 August, 2021	Suspended for 30 days over a controversial headline which mentioned the ruling party CCM.	Department of Information Service (Habari Maelezo)

⁸ Tanzania, cartoonist Opptertus Fwema acquitted but re-arrested in court corridors <https://jrmora.com/en/tanzania-cartoonist-opptertus-fwema-acquitte-arrested-court-corridors/>

The status of investigations by the police of major attacks against journalists

Tanzania has witnessed serious cases of journalists' attacks. However, surprisingly, so little attention is invested in dealing with these cases. While some incidents may have happened more than 10 years ago, the victims are yet to receive any justice. In a situation where impunity is nurtured and perpetrators thrive, attackers are emboldened and attacks persist.

In most cases, as the table below highlights, the Tanzania Police Force claim investigations are ongoing.

Assailants	Date of Incident	Incident Description	Police Investigation status
Azory Gwanda	21 November, 2017	According to his wife, Gwanda left in a company of people who were unfamiliar to her. They arrived at the family's home in Kibiti in a white Toyota Land Cruiser, claiming he was leaving briefly for an urgent undertaking but he never returned. Before he went missing, Gwanda who worked for Mwananchi Communications Ltd (MCL) had been working on investigative stories on murders of government officials including residents and police officers in Kibiti.	On 17 October, 2021 the government spokesperson, Gerson Msigwa said the police force is still investigating the matter. This was the last update from the authorities
Blandina Sembu	28 March, 2021	The late Blandina was found dead and her body thrown alongside the Bagamoyo road, around Mwenge area, in Dar es Salaam.	On 17 April, 2021 former Kinondoni Regional Police commander Ramadhani Kingai told Mwananchi newspaper that they had arrested one person in connection to murder. The police did not reveal the suspect's name and the matter has not yet been concluded to date.
Clouds Media Company	17 March, 2017	Dar es Salaam Regional Commissioner Paul Makonda, accompanied by armed guards from the Tanzania Police Force and Tanzania Intelligence Security	Former Inspector General of Police speaking to journalists on 22 nd May, 2017 admitted to have initial

		Services (TISS), stormed Clouds Media studio premises (offices and studio) forcing and threatening presenters of Shilawadu programme to air his story, which according to the producers was not professionally balanced.	evidence and claimed the investigation is still going on and urged Clouds Media Company to cooperate so they can have enough proof to take to the state attorney
Issa Ngumba	5 January, 2013	Ngumba, a reporter for Radio Kwizera, was found dead in Kjuhuleta Forest northwest Tanzania. Ngumba's wife claimed her late husband left their home to go to the town centre but never returned. Fellow journalists suspect Ngumba's death was connected to a story he wrote in November 2012 about a murder allegedly committed by a local cattle owner.	The police have not given an update on this matter yet and the perpetrators have not been arrested.
Absalom Kibanda	6 March, 2013	Former Tanzania Editors' Forum Chairman and managing Editor of the New Habari (2006) Ltd. was viciously attacked outside his home in Dar es Salaam as he was returning from work. Kibanda was severely injured and lost his left eye and a finger. The special task force by the media fraternity to investigate his attack came to the conclusion that the attack was connected to his work as a journalist.	The police say they are still investigating the matter
Saed Kubenea	8 January, 2008	Managing Editor of Mwana Halisi (a local newspaper) together with veteran Journalist Ndimara Tegambwage were attacked in the paper's newsroom by three men armed with machetes and an unidentified chemical. The attack was Intended to harm the managing editor, who is the owner of the publication. They splashed the chemical in his eyes and struck him in the face with a stone. He had to be transferred outside the country for treatment. He is still undergoing treatment 15 years after. The attack was linked to the paper's exclusive investigative stories on public corruption and government mismanagement.	The case was dismissed by the courts for lack of evidence

Recommendations

To the President of Tanzania

- Take action to ensure promises are fulfilled regarding the improvement of the legal framework governing the media sector
- Publicly order all government officials, particularly regional and district police commissioners, to refrain from misusing their power to intimidate, arbitrarily arrest and harass journalists
- Take steps to ensure an end to impunity and ensure crimes against journalists are prosecuted

To the Parliament of Tanzania

- Enact laws that promote media freedom and access to information
- Adopt the United Nations Plan of Action on the Safety of Journalists into local law

To the Ministry of Information, Communication and Information Technology and its departments

- To support the intentions of the president and speed up the media laws (including Media Services Act, Cybercrimes Act, and the Electronic and Postal Communications and regulations) review process
- Continue the collaborative manner and genuinely engage media stakeholders in the pursuit of improving and regulating the sector
- Improve access to information by enacting enabling legislation

To the Tanzania media community

- Engage the government and academia in crafting model laws on freedom of expression and access to information
- Create support mechanism to respond to media violations
- Monitor, report and document media violations as a basis for evidence-based advocacy

To international organizations and or associations

- Remind Tanzania on its international commitments to protect and respect basic human rights including freedom of the media
- Provide technical assistance for review of laws such as the Media Services Act, Cybercrimes Act, and the Electronic and Postal Communications and regulations to ensure conformity with international rights standards

- Undertake a fact-finding mission to investigate human rights abuses, including attacks, disappearing and censorship, especially in light of the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information in Africa
- Step up financial and political support to NGOs working specifically on advancing the respect for civil and political rights in Tanzania



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