



The UIA Institute for the Rule of Law

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Prime Minister of the United Republic of Tanzania,

Rt. Hon. Kassim Majaliwa

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Minister of Constitutional and Legal Affairs,

Hon. Dr. Augustine Mahiga

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Dear Prime Minister,

Dear Minister of Constitutional and Legal Affairs,

The UIA-IROL has been informed of the abduction on December 20, 2019, of Mr. **Tito Magoti**, Mass Education Officer at the Legal and Human Rights Center (LHRC).

According to the information received, after being detained in secret and questioned by police for several days about his online activism on Twitter, Tito Magoti was finally brought before the Kisutu Resident Magistrate Court in Dar es Salaam along with his colleague, Mr. Theodory Faustin Giyan, a software developer and commentator on matters of public interest. Both were jointly charged on December 24, 2019 with (i) leading organized criminal activity; (ii) possession of a computer program designed for the purpose of committing an offence; and (iii) money laundering.

As of the date of this letter, we are informed that a hearing is scheduled for April 1, 2020.

Mr. Magoti regularly reports on issues related to human rights, the rule of law, and good governance. We strongly believe that the allegations against him are in retaliation for his legitimate human rights work: during his detention, he was reportedly questioned about his use of social media (Twitter). He also was questioned about his association with media owner and activist Maria Sarungi-Tsehai, former Tanganyika Law Society President Fatma Karume, and opposition politician Zitto Kabwe, all of whom are vocal critics of the Tanzanian government who have been subjected to various forms of retaliation for demanding government accountability and transparency.

UIA-IROL

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We strongly support the statement of the Tanganyika Law Society on the abduction of Mr. Magoti and also join with civil society organizations in expressing grave concerns in a letter to Michel Forst, United Nations Special Rapporteur on the Situation of Human Rights Defenders, and Professor Rémy Ngoy Lumbu, African Commission Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa¹.

We agree that “ *the manner of his arrest, indicates a pattern by the State of disregarding due process procedures*” and that “*the charges against him, more specifically that of “money laundering” which automatically denies him the right to bail under Tanzanian law, poses an existential threat to all human rights defenders, journalists and civil society in Tanzania*”².

In view of the procedural flaws in the arrest and detention of Mr. Magoti, as well as the fact that he appears to have been targeted only because of his human rights activities, we urge you, within the limits of your power and in conformity with the principle of separation of powers, to take all possible measures to have all charges against Mr. Magoti dropped.

In addition, we ask that you ensure that any proceeding against Mr. Magoti is carried out in full compliance with his right to a fair trial, as protected under international and domestic law. We further urge you to ensure that all citizens, from the moment of their arrest for any crime, are afforded, without exception, full due process of law.

We also ask you to take all necessary measures to prevent all forms of harassment, including at the judicial level, against Mr. Magoti, as well as against all human rights defenders in Tanzania. Specifically, we ask that you ensure that, in all circumstances, lawyers, judges and human rights defenders are able to carry out their work without any hindrance or fear of reprisals, particularly with respect to the UN Basic Principles on the Role of Lawyers, the UN Declaration on Human Rights Defenders, and in accordance with international and regional human rights instruments ratified by Tanzania.

Respectfully yours,



Jacqueline R. SCOTT
Director General - UIA-IROL

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¹ <https://www.civicus.org/index.php/media-resources/news/4225-urgent-request-for-intervention-in-the-case-of-hrd-tito-elia-magoti>

² Ibidem