

Social media persecution in Tanzania

Freedom of expression online is under attack in Tanzania as the government abuses legal and judicial processes to suppress critical voices on the internet, in violation of regional and international human rights standards, according to media watchdog, the African Freedom of Expression Exchange.



Image by 123RF

In a recent example, five Tanzanian internet users were – on September 14, 2016 – arraigned before a Tanzanian Court on charges of insulting President John Magufuli on social media.

According to the Kenyan weekly, *The East African*, the accused were separately charged with five counts of sharing offensive content targeting the president and the police between August 24 and 30, this year, contrary to Section 118(a) of the Electronic and Postal Communications Act No. 3 of 2010.

The five persons are Dennis Temu, Suleiman Nassoro, Shakira Makame, Juma Mtatuu and Dennis Mtegwa. They appeared before different magistrates. where they have denied the charges levelled against them.

According to media reports, one of the accused, Mtegwa, allegedly posted an abusive and offensive comment on a WhatsApp group in Kiswahili, that translates in English as: "I don't know what is going on in JPM's head... He doesn't even know how to say sorry. We are at this stage because of one person who believes that what he thinks is always right... he needs to understand that politics isn't about resentment and the opposition isn't an enemy... he should learn to compete with

the opposition on the basis of debate, not force."

The prosecution also alleged that the other four – namely Temu, Nassoro, Shakira and Mtatuu – shared a post through Facebook and WhatsApp that was intended to turn the public against the police.

"While they are preparing to fight the opposition, criminals are preparing to commit crime," part of the message reads.

The paper reported that the five were released on bail of 500,000 Tanzanian Shillings (about \$230) each, after defence lawyer Tundu Lissu objected to a request by the prosecution that they be remanded in custody, pending the completion of investigations. The cases have been adjourned to September 27, 2016, the paper added.

In a similar development, a Court in Arusha, also in Tanzania, in June 2016, sentenced a Tanzanian internet user to three years imprisonment or a fine of seven million Tanzanian Shillings (USD 3,200) for insulting the president on Facebook.

Amidst protests by civil society actors, Tanzania's government enacted the Cybercrimes Act in April 2015. The law penalizes a wide range of cyber activities.

The African Freedom of Expression Exchange (AFEX) is seriously concerned that Tanzania citizens are being prosecuted for expressing their opinions about issues that affect them directly.

Edetaen Ojo, chairperson of the AFEX Steering Committee, said: "There can be no justification for these actions by the Government of Tanzania to suppress legitimate comments and criticisms by its citizens in the exercise of their human and democratic rights. The government's actions constitute a blatant violation of its obligations under regional and international human rights laws, especially having regard to the December 5, 2014 decision of the African Court on Human and Peoples' Rights delivered in a landmark judgment in Lohé Issa Konaté v. The Republic of Burkina Faso."

He therefore called on Tanzanian authorities to drop the charges against the five persons in question and urged the African Union to take urgent steps to ensure that its members comply with applicable human rights standards as well as the decisions of regional human rights courts and similar institutions.

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