

OPEN LETTER

TUNDU LISSU'S RETURN TO TANZANIA:

**GOVERNMENT CONDUCT TO BE CLOSELY MONITORED AND
DOCUMENTED; POTENTIAL ACTS OF HARASSMENT,
INTERFERENCE, OR VIOLENCE WILL RESULT IN CONSEQUENCES**

ADDRESSED TO:

Simon Sirro, Inspector General of Police; **Diwani Athumani Msuya**, Director General of the Tanzania Intelligence and Security Service; **Lazaro Mambosasa**, Dar es Salaam Special Zone Regional Police Commander; **Biswalo Mganga**, Director of Public Prosecutions; **Robert Boaz**, Director of Criminal Investigations, Tanzania Police Force; **Liberatus Sabas**, Director of Operations, Tanzania Police Force; Brigadier General **John Mbungu**, Director General of Prevention and Combating of Corruption Bureau; General **Venance Mabeyo**, Chief of Tanzania Defence Forces; **Aboubakar Kunenge**, Dar Es Salaam Regional Commissioner

CC:

António Guterres, Secretary General of the United Nations; **Michelle Bachelet**, UN High Commissioner for Human Rights; **David Kaye**, UN special rapporteur on freedom of expression; **The Rt Hon Patricia Scotland QC**, Commonwealth Secretary-General; **Cyril Ramaphosa**, President of South Africa and 2020 head of the African Union; **Moussa Faki Mahamat**, Chairperson of the African Union Commission; **Josep Borrell**, High Representative of the Union for Foreign Affairs and Security Policy; **Dominic Raab**, Foreign Secretary of the United Kingdom; **Steven T. Mnuchin**, United States Secretary of Treasury

23 July 2020

Honourable Officials,

Amsterdam & Partners LLP is profoundly and urgently concerned for the safety and security of our client and opposition leader, Mr. Tundu Lissu upon his planned return to the country scheduled for the 27th of July 2020. Mr. Lissu narrowly survived an assassination attempt in 2017 in which he was shot 16 times following public criticism of the government. He was subsequently denied of his statutory medical benefits and was eventually stripped of his parliamentary seat while still undergoing medical treatment and therapeutic care.

Mr. Lissu has now declared his intention to return to Tanzania and to campaign for the presidency of the United Republic of Tanzania in the forthcoming general elections. We demand that Mr. Lissu's constitutional rights to freedom of expression, assembly and movement are respected and not infringed nor interfered upon by the Government of Tanzania or its security agencies. We expect that the Government of Tanzania and its security agencies will afford Mr. Lissu with the necessary personal protection, especially given the fact that he has already been a victim of a failed but unresolved assassination attempt.

With this letter, we notify you of our intention to hold accountable all public servants in the current administration of the Government of Tanzania with regard to the human rights, civil rights, and physical safety of the opposition leader and MP Mr. Tundu Lissu upon his planned return to the country scheduled for the 27th of July 2020.

Unfortunately, the current leadership has acted with brazen impunity with regard to human rights, and especially with regard to its treatment of the legitimate democratic opposition. Leaders, members and activists of the democratic opposition have been murdered, abducted and forcibly disappeared, tortured or persecuted through the use of trumped up and politically-motivated criminal charges and falsely imprisoned. Amnesty International has described these attacks and arrests as "a calculated move to harass and intimidate the opposition and critics ahead of elections, restrict their human rights and limit their campaigning."¹

According to the 2020 Human Rights Watch country report on Tanzania, Magufuli's government has abused its powers under the Registrar of Political Parties to "demand information from political parties, to suspend individual members of political parties, and required institutions or individuals to get approval from the Registrar to conduct civic education, or face criminal sanctions including imprisonment or fines."² Soon after this report was released, at least nine prominent opposition party members were heavily fined on dubious charges for sedition, incitement to violence, and holding an unsanctioned rally.

Meanwhile, the Magufuli and the Chama Cha Mapinduzi administration has shown no tolerance for criticism of their abuses and no willingness to uphold transparency. In 2018, the European Union was forced to recall its ambassador to Tanzania, citing "the deterioration of the human rights and rule of law situation."³

As the international legal team acting on behalf of Mr. Lissu, we notify the potential human rights abusers within the government that their actions will have permanent consequences. Should Mr. Lissu's rights be violated upon his return, it is our intention to file immediately for measures in response before all relevant local, regional, and multilateral bodies. This would include but not be limited to mechanisms for ensuring the respect by Tanzania of its domestic and international obligations to protect human rights.

This set of potential responses to any harassment or interference with Mr. Lissu's rights will also entail applications against Tanzanian law enforcement officials for sanctions under the Global Magnitsky Act

¹ <https://www.amnesty.org/en/latest/news/2020/06/tanzania-opposition-politicians-arrested-as-crackdown/>

² <https://www.hrw.org/world-report/2020/country-chapters/tanzania-and-zanzibar>

³ <https://apnews.com/5f80d93e09a4debd3f8>

against state officials facilitating human rights abuses or corruption.⁴ The potential ramifications of these sanctions are designed as a powerful deterrent against individuals who are deemed responsible for abuses of the law. Such individuals in Tanzania could face the freezing of bank accounts, seizures of assets held internationally, and revocations of travel visas for them and their families. Many Tanzanian officials and their proxies choose to do their banking internationally, hold assets abroad, and send their children to study in the United Kingdom, the EU, and the USA. If sanctions are applied against such Tanzanian officials, they would not be able to travel to Europe or the United States and would be barred from accessing the international financial system in countries which enforce such sanctions laws.

We are thus counting upon the authorities in Tanzania to respect Mr. Lissu's rights from the moment of his return and not to impede him, directly or indirectly, from exercising his rights in seeking election to the presidency.

Sincerely,

Robert R. Amsterdam



Founding Partner, Amsterdam & Partners LLP

⁴ <https://www.state.gov/global-magnitsky-act/>