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The Rt Hon. Patricia Scotland QC
Secretary General of the Commonwealth
Marlborough House
Pall Mall
London
SW1Y 5HX
United Kingdom

18 February 2021

BY EMAIL ONLY

Dear Ms. Scotland,

Since our submission to you on 29 October 2020 for referral to the Commonwealth Ministerial Action Group with regards to the ‘Widespread Irregularities in Tanzanian Presidential Elections and Violations of The Harare Commonwealth Declaration by The Government of President John Magufuli of Tanzania’, the situation in the country has grown far worse with severe warning signs of a mounting human rights and humanitarian crisis. As you will recall, this law firm represents Mr. Tundu Lissu, a citizen of Tanzania. Mr Lissu was a presidential candidate in the general elections for the country’s main opposition party, Chama cha Demokrasia na Maendeleo (Party for Democracy and Progress) (“CHADEMA”), and John Pombe Magufuli’s most prominent challenger.

We write to you to draw your urgent attention to the ongoing health and humanitarian emergency in Tanzania caused by Mr Magufuli’s refusal to recognize the seriousness of the coronavirus (“COVID-19”) pandemic.

Tanzania joined the Commonwealth in 1961 and therefore acceded to the 1971 Declaration of Commonwealth Principles and the 1991 Harare Commonwealth Declaration (Harare Declaration). Entrenched in these Declarations and pursuant to Article 8 of the Harare Declaration are values which include “sound and sustainable development,” of which the “fight against communicable diseases” is an issue of great importance.¹

¹ <https://thecommonwealth.org/sites/default/files/inline/Harare-Commonwealth-Declaration.pdf>

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On March 11, 2020, the World Health Organization (“WHO”) declared the COVID-19 emergency a global pandemic.² Days later, on March 16, Tanzania reported its first confirmed case of COVID-19, joining at least 30 African countries to have reported cases of the coronavirus within their borders.³ In these early days, Tanzania – as with much of the world – took steps to contain the virus. The health minister at the time, Ummu Mwalimu, urged citizens to “Comply with experts’ instructions” and not to panic.⁴

On April 29, 2020, Tanzania reported 509 new cases and 21 deaths from COVID-19 in the country. It would be the last day Tanzania reported infection and death figures from the pandemic. In May 2020, Mr Magufuli ridiculed the testing regime, claiming that tests administered on fruits and animals had returned positive results and blamed the country’s rising positive results on faulty test kits,⁵ calling the tests a “dirty game.”⁶ Six weeks after Tanzania ceased reporting COVID-19 figures, Mr Magufuli declared that “Corona in our country has been removed by the powers of God,” claimed his son was cured of COVID-19 by drinking ginger and lemonade, and has praised church congregations for their failure to wear masks and gloves.⁷ Since this declaration, Tanzania has declined to impose a lockdown, re-opened schools, and discouraged the use of masks.⁸

The Tanzanian government has enacted regulations banning the reporting of “misleading” information relating to the coronavirus pandemic, and removed news outlets from the airwaves, including one outlet which merely reposted a notice from the United States Embassy warning of a spike in COVID-19 infections.⁹

Tanzania’s COVID-19 denialism under Mr Magufuli has not stopped at its refusal to recognize the existence of the virus within its borders. While Tanzania’s neighbors Kenya, Uganda, Rwanda, and Malawai have all rolled out vaccination plans, Mr Magufuli has said that his country will not be procuring COVID-19 vaccines through COVAX, the World

² <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>

³ <https://www.voanews.com/science-health/coronavirus-outbreak/tanzania-confirms-first-case-coronavirus>

⁴ <https://twitter.com/ummymwalimu/status/1240314387690332164>

⁵ <https://qz.com/africa/1850839/tanzania-president-magufuli-blames-covid-19-rise-on-faulty-tests-goats/>

⁶ <https://www.theguardian.com/global-development/2020/may/19/tanzanias-president-shrugs-off-covid-19-risk-after-sending-fruit-for-tests>

⁷ <https://apnews.com/article/fcaaa816cd9ba159c840b5366107da50>

⁸ <https://theconversation.com/what-tanzanias-covid-19-vaccine-reluctance-means-for-its-citizens-and-the-world-155310>

⁹ <https://rsf.org/en/news/tanzania-suspends-another-media-outlet-over-its-covid-19-coverage>

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Health Organization's vaccine initiative. Mr Magufuli has also cast doubt on vaccine effectiveness with particularly vitriolic statements. He has said his citizens should not be used as "guinea pigs" for the vaccine and added, "If the white man was able to come up with vaccinations, he should have found a vaccination for Aids, cancer and TB by now."¹⁰

While the Tanzanian government denies the existence of the coronavirus and refuses to procure vaccines that are desperately needed for the health and wellbeing of the Tanzanian people, there is increasingly grave evidence that the coronavirus is in fact ravaging the country. The U.S. Embassy warned on February 10 that it "is aware of a significant increase in the number of COVID-19 cases since January 2021,"¹¹ and there has been a proliferation of reporting of deaths due to symptoms matching those typical of the coronavirus, despite the government's efforts to suppress such reporting.¹²

On February 17, Seif Sharif Hamad, Zanzibar's first vice president and the leader of the island's opposition for more than three decades, tragically passed away from COVID-19 after being hospitalized with the disease.¹³

The coronavirus pandemic is a global emergency that has cost hundreds of thousands of lives globally. Even when governments make their best effort at preserving the life and well-being of their populations by enacting sensible measures to decrease the spread of the disease and working to procure vaccines as quickly as possible, COVID-19 has proven to be a deadly adversary. When a government wilfully denies reality, casts doubt on vaccines and testing, and punishes those who report facts relating to the global pandemic inside the country, the international community must take action. COVID-19 has already exacerbated the world's humanitarian issues, and Tanzania is no exception to this. The country is currently facing other troubling and protracted humanitarian crisis caused by floods and refugees, and which has overstretched its health system. Therefore, to be silent in the face of Mr Magufuli's complete disregard to provide humanitarian assistance and protection to the people of Tanzania, is to allow the endangerment of the rights and lives of Tanzania's citizens.

¹⁰ <https://www.bbc.com/news/world-africa-55900680>

¹¹ <https://tz.usembassy.gov/health-alert-increase-in-covid-19-cases-february-10-2021/>

¹² <https://www.theafricareport.com/62785/tanzania-doctors-urge-magufulis-government-to-take-covid-seriously/>

¹³ <https://news.yahoo.com/zanzibars-vice-president-dies-suffering-115839679.html>

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As a member of the Commonwealth, Tanzania is a party to the Harare Declaration and The Commonwealth Charter. The government under Mr Magufuli is endangering the health of its citizens and depriving them of the right to accurate health information and essential treatments and in this failure, it is also endangering citizens of members of the Commonwealth including Kenya, Uganda, Zambia, Malawi.

We call upon your office's valued consideration of the grave situation in Tanzania and its government's violation of its obligations to consider whether Tanzania's continued membership in The Commonwealth is justified.

The negligent response of the Tanzanian authorities in the face of the COVID-19 emergency has taken place in an atmosphere of political repression and growing authoritarianism since the country held presidential and parliamentary elections in October 2020. Please find attached our October 29, 2020 submission to The Commonwealth Secretariat for Referral to the Commonwealth Ministerial Action Group (CMAG), which outlines the grave human rights abuses committed by the Tanzanian government in the run-up to the October 2020 elections.

Sincerely,



Robert Amsterdam
Founding Partner, Amsterdam & Partners LLP

Attachment: Amsterdam & Partners LLP's Submission to Commonwealth Secretariat for Referral to the Commonwealth Ministerial Action Group (CMAG), October 29, 2020