This is the first report of press freedom violations compiled and written by the Council since the establishment of the press freedom violations register in early 2012. It aims at providing a comprehensive review of press freedom violations as recorded in the register and a synopsis of the various reports of regional and national investigations conducted. It is envisaged that having hard data on press freedom violations would go a long way to assist in lobbying and advocating for laws and policies which will support press freedom and freedom of expression in the country.

Press Freedom Violations Report 2013

Prepared by the Media Council of Tanzania (MCT)
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Although Article 18 of the Constitution of the United Republic of Tanzania (1977) expression, there are a number of laws that hinder realization of the basic human right.

Preface

This report covers incidences of press freedom violations which were reported directly to the Council or in the media and recorded in the Press Freedom Violations Register in 2013.

In early 2012 the Media Council of Tanzania (MCT) established an authoritative national register to record press freedom violations. Expectations of the database were to capture input from press freedom violation monitors and generate useful statistical information for analysis and compilation of press freedom violation reports which will be used in activities to promote, safeguard and defend freedom of the media and allied forms of public communication in the United Republic of Tanzania.

Since the establishment of the register, MCT has faced some challenges. First and foremost it was difficult to get reports of violations from journalists or their media houses. One of the reasons is that reporters have not been forthcoming in reporting violations as they think that there are just a part of the challenges and vagaries of the profession. However, with sensitization, more cases are being directly reported at the Council and also reported in the media.

Another challenge has been the establishment of a network to ensure prompt reportage of incidents of violations when they occur. In 2013, the Council worked towards establishing a network of focal persons in the regions who would be responsible for coordination of reporting incidents of violation. The other challenge was to build a more responsive database which could also provide important information and analysis of the incidents of violation. The next step to strengthen the reporting mechanism is to enable reporters and other human rights activists to report such violations through telephone messages - SMS and by email. The Council also intends to continue to sensitize journalists on the importance of updating the register.

The Council wishes to thank all the people who have made this report a reality: the journalists who reported the violations to the Council, MCT Programme Officer Elinami John and intern Josina Leguit at the Council who worked tirelessly to write this report. We hope it provides valuable insights in the working environment of journalists in Tanzania and the many challenges they face while carrying out their duties.
1. Introduction

One of the core activities of the Media Council of Tanzania (MCT) is monitoring press freedom violations as they are likely to restrict the supply of information and diminish freedom of expression in Tanzania. This is an important activity with the objective of revealing and reviewing violation trends and challenges encountered by journalists. One of the objectives of the Council as provided by Article 3 (e) of the Council’s constitution is to register and to investigate events that restrict dissemination of information of public interest and publicise the outcome of the investigation.

In 2012, MCT established the Press Freedom Violations Register as an authoritative national register to record press freedom violations. In 2012 MCT recorded the first incident of a murder of a journalist while at work, Daudi Mwangosi who was a correspondent of Channel Ten Television. The Council also put in place interventions including investigating serious breaches of press freedom and making the findings public. For example, the Council put together a team to investigate the circumstances surrounding the murder of Mwangosi and published the report.

This is the first report of press freedom violations written by the Council since the establishment of the press freedom violations register in early 2012. It aims at providing a comprehensive review of press freedom violations as recorded in the register and a synopsis of the various reports of regional and national investigations conducted. It is envisaged that having hard data on press freedom violations would go a long way to assist in lobbying and advocating for laws and policies which will support press freedom and freedom of expression in the country.

The report shows that a total of 38 cases of press freedom violation were recorded in the database of the Council in 2013. Although incidents of violations are thought to be higher, however this report features only those incidents that were either reported directly to the Council or were reported in the media. Threats and intimidation against journalists when doing their work is the most common violation (48.20%) followed by being denied access to information (18.90%). Banning or closure of media outlets was at 13.40%, assaults at 16.30% and murder of a journalist at 2.7%.

One of the most vicious assaults which shocked the country was that of Absalom Kibanda, the Managing Editor of the New Habari (2006) Ltd. In March, 2013, Kibanda was brutally attacked outside his home at night when returning from work and was severely injured by unidentified assailants. Kibanda, who is also the Chairperson of the Tanzania Editors Forum (TEF), lost an eye and a finger was chopped off by his attackers. Until the writing of this report, the police were yet to apprehend anyone for this heinous crime. An investigation conducted by MCT, TEF and Tanzania Media Fund (TMF) revealed that Kibanda was most likely assaulted due to his work as journalist and editor.

This report shows that Dar es Salaam is leading with 21 violations, probably due to the fact that there are more media outlets and a higher number of journalists compared with other regions. The report concludes by stating that the government should review all bad media laws and replace them with friendly media laws which will ensure and promote press freedom as well as freedom of information.
2. Trends in Press Freedom Violations

According to the data from the Press Freedom Violations Register (PFVR), the number of reported press freedom violations in 2013 reached a total of 38 ranging from threats and intimidation, assaults, denial of access, murder and banning of media outlets.

In Fig No. 1 it is shown that the most common nature of press freedom violations in the year indicated in this report are threats and intimidation against journalists when doing their work which accounted for 48.20% followed by denial of access to information at 18.90%. Banning or closure of media outlets was at 13.40%, assaults at 16.30% and murder of a journalist at 2.7%.

Fig No. 1: Nature and Quality of Press Freedom Violations Committed in 2013
Fig No. 2: Regional Distribution of Press Freedom Violations (2013)

- Zanzibar: 1
- Dar es Salaam: 21
- Geita: 2
- Iringa: 1
- Kagera: 1
- Manyara: 2
- Mara: 1
- Mbeya: 1
- Kilimanjaro: 2
- Mtwara: 1
- Shinyanga: 1
- Singida: 1
- Arusha: 2
- Mwanza: 1
2.1 Threats and Intimidation Lead in Press Freedom Violations

Threats of physical violence as well as death to journalists were among the most featured types of press freedom violations in 2013.

Most of the journalists who reported being threatened or intimidated, were those involved in investigative journalism. However, it was not only reporters that were threatened or intimidated; editors and media CEOs were not spared.

In March, 2013 MCT received a complaint from Mwananchi Communications Ltd Managing Editor Dennis Msacky. Msacky claimed that he had been trailed by unknown people for some time. Before that, his office at Mwananchi Communications Ltd was burgled and his computer stolen.

In May, 2013 street protests against a plan to construct a pipeline to transport gas from Msimbati in Mtwara Rural District to Dar es Salaam resulted into violence pitting police against the people. The riots which first erupted in Mtwara town soon spread to other parts of the Mtwara Region.

These protests, culminated into loss of life and property; and journalists practising in the region were caught in the crossfire while covering the riots. There were also incidents in which journalists were particularly targeted by rioters and the police. Three journalists had to go into hiding for some time fearing for their lives. The three were the Tanzania Broadcasting Corporation (TBC) correspondent Kassim Mikongolo, whose house, car and motorcycle were also burnt by rioters. The two other journalists are Hassan Simba, a correspondent with Habari Leo newspapers who is also Chairperson of the Mtwara Press Club, and Rashid Mussa, reporter with Uhuru newspaper.

It was said that the stance of their media outlets of being pro gas project infuriated the rioters. The fact that Mikongolo is also married to a police officer compounded the matter for him. As the situation in Mtwara deteriorated, journalists feared being attacked by both rioters and government security forces.

A report of the team formed by the Council to investigate the matter found out that journalists felt highly intimidated by security forces to the extent that self censorship was quite high. There was one reported incident of a radio journalist allegedly being taken into custody by soldiers and interrogated, including being subjected to physical torture at the camp where he was taken. This incident was reported to the Council in an official correspondence from Mtwara Press Club.

When interviewed by the MCT Investigation Team, he denied that anything of that nature had happened to him. Even the head of programmes of the radio station he worked for, denied any knowledge of the incident. The Investigation Team found a palpable atmosphere of fear and self-censorship.

Another journalist who received threats on his life was ITV reporter based in Mwanza, Mr. Cosmas Makongo.
He reported having received threats from unidentified persons via short mobile messages. The journalist reported the matter to the police but no one was arrested at the time of writing this report.

ITV and Radio One Mara region correspondent, George Marato, was bombarded with threatening phone calls after his report of pollution of water sources by effluence from the North Mara Gold Mine in May 2013. Police were still investigating the matter at the end of the year. George Marato has been covering investigative stories on the killing of persons with albinism and other stories which disclose violations of human rights.

In May 2013 a Mwananchi newspaper correspondent from Zanzibar, Salma Said survived a vicious attack by a group of young hooligans, known as Ubaba Ubaya Group. The incident happened when the journalist went to take pictures and to record voices of the people who were beaten up by the group for unknown reasons at Mwanakwerelwe area. The group stopped the journalist’s car and set stones and logs in front and back of the motor vehicle and started to light a fire to burn her car. The journalist saved her life by driving away forcefully knocking the logs and damaging her car.

It was reported that in February 2013, the defendant in the trial for the murder of journalist Mr. Daudi Mwangosi of Channel Ten, named Pasificus Cleophace Simon, had intimidated journalists at the court. He insulted journalists and said to them: “You can take as many pictures as you want, but what you do not know is that tomorrow I will be out there dealing with all of you”.

In March, 2013 an ITV reporter Ufoo Saro was intimidated by the employees of a hardware company in Dar es Salaam while covering a story on illegal electricity connections. The employees tried to damage the journalist’s camera and she was injured during the fracas.

In April 2013, Chama Cha Mapinduzi (CCM) Deputy Secretary General, Mwigulu Nchemba and the Loliondo District Commissioner, Wawa Lali directed the police to arrest BBC journalist Mr. Jason Patkin in Loliondo where he was covering a land dispute. Mr. Patkin was later released from police custody without being charged.

In June 2013, a journalist working for the East African Television station, Rajabu Kimanyo who was covering a boxing match was also intimidated by fans who tried to break his camera because he was obscuring their view.

In June 2013, a Radio Sunrise FM journalist who is based in Karatu district, Onesimus Tarmo’s house was burned down by unidentified men. The incident occurred in the area of Bashay on the outskirts of the Karatu town. On that day, unidentified people threw a gasoline container through Tarmo’s bedroom window and started a fire which burnt down the entire house.

According to Mr. Tarmo, the attack was associated with the coverage of a criminal gang. Since Tarmo has been receiving constant threats from people said to be associated with the crime.

In August, 2013, editors of Mawio Newspaper were summoned to explain why they had published an inflammatory headline “Madhehebu ya Kikiristo Kuitenga Serikali” (meaning “Christian denominations to isolate the government”) and had two pictures of the Christian religious leaders to Catholic Archbishop of the Archdiocese of Dar es Salaam, Polycarp Cardinal Pengo and Head of the Evangelical Lutheran Church of Tanzania (ELCT), Bishop Dr. Alex Malasusa.

On September 11, 2012 journalists marched in Dar es Salaam with their lips gagged protesting peacefully against the killing of Channel Ten reporter Daudi Mwangosi.
2.2 Denial of Access to Information

Denial of access to information was one of the biggest problems faced by journalists and it took second place in the list of press freedom violations. However, there is a lot of underreporting in this area as journalists have got so much used to it to the extent that it is being taken as a normal challenge in reporting.

It is only the most outrageous incidents of denial to access that are reported even in the media at times. One such incident which found its way in the media happened in January, 2013 when the Chairperson of the Constitutional Review Commission (CRC), Judge Joseph Warioba, barred journalists from several media outlets to cover a meeting between CRC and political parties. Judge Warioba told the journalists that the meetings were closed to the public. Also, the CRC Deputy Secretary, Mr. Casmir Kyuki, said that the Commission was meeting with political parties to get some inputs from them for incorporation in the draft Constitution. It was assumed that meetings of CRC were open and that particular one with political parties was of great interest to the media and it irked journalists that they were not allowed to cover it.

There was another incident in July, 2013, when the Karatu District Commissioner, David Ntibenda, instructed police officers to arrest journalists. These journalists were interviewing women who went to the office of the Karatu District Commissioner to ask for food and tents. About 100 women with about 50 children had camped at the office of the District Commissioner for two days to request for assistance. However, the journalists left the scene before the police moved into action.

In July 2013 The Guardian carried a picture of a New Habari (2006) Limited photojournalist Anthony Siyame in which it is seen that the photojournalist is accosted by a presumed security officer while covering the arrival of Thai Prime Minister Yingluck Shinawatra at Julius Nyerere International Airport in Dar es Salaam.

In another incident, a photographer with New Habari (2006) Ltd had his camera confiscated in August, 2013, by the owner of OK Plast Mr. Samir Gaddal to prevent him from covering a fire which had started at the factory that manufactures plastic sandals and mats. However, the police helped the journalist to get back his camera.

Another incident of denial of access to information occurred in October, 2013 when the Tanzania Football Federation (TFF) refused journalists access into an election meeting of the federation. After the incident, the Chairperson of the Tanzania Sports Writers Association (TASWA) Mr. Juma Pinto, asked the journalists to boycott writing any news regarding the TFF election.

In November, 2013 journalists were barred from interviewing Violet Mathias, a former employee at Kilimanjaro Airport Development Company who was severely injured after being shot at by a policeman during a quarrel. Officials of the Arusha Lutheran Medical Centre (ALMC) where she was hospitalized refused access to journalists saying that the patient did not need coverage.
In January, 2013, a Channel Ten journalist Linus Kamafa was assaulted and injured by people purported to be hooligans while the journalist was recording New Year’s Eve incidents in Tanga City. These incidents involved youths burning tyres on Mapinduzi Street. According to eyewitness reports, which were confirmed by Tanga Regional Police Commander Constantine Massawe, the journalist was assaulted at midnight by the youths, who used stones and machetes.

Assault of journalists is becoming more common and brutal. The case which horrified the media fraternity and the country at large in 2013 was the assault on Absalom Kibanda, the Managing Editor of the New Habari (2006) Ltd, who is also the Chairperson of the Tanzania Editors Forum (TEF). In March, 2013, Mr. Kibanda was brutally beaten up and badly injured by an unidentified group of people outside his home when he was returning from work. Mr. Kibanda had one of his fingers cut and one of his eyes pierced. He had to be sent to South Africa for treatment. The Police Force investigating the matter had not made any arrests by the time of writing this report. A joint investigation by the Media Council of Tanzania, the Tanzania Editors Forum and the Tanzania Media Fund revealed that Mr. Kibanda was most likely attacked due to his journalistic work.

Even journalists covering sports events have not been spared from assaults. In June, 2013 during a champions league football match between Kimondo FC from Mbozi, Mbeya and Njombe FC from Njombe region held at Sokone Memorial Arena in Mbeya a journalist working for Majira newspaper, Rashid Mkwinda, was insulted by the Njombe FC goalkeeper Mr. Joshua Mwampegeje and other Njombe FC players who also physically assaulted him. The journalist was assaulted for taking pictures of the players while they were on half time break. The journalist was badly injured. The Mbeya Press Club asked the Football Federation of Tanzania (TFF) to take action in accordance with the principles and rules of football against the perpetrators. Up to the moment of compiling this report the federation had not addressed the issue.

Tanzania Daima newspaper reported the incident. In August 2013 the journalist of the television station Channel Ten, Mr. Eliah Ruzika, was beaten up by police while covering an emergency meeting of the Tanzania and Zambia Railway Authority (TAZARA) employees concerning non-payment of their salaries for three consecutive months. The police also confiscated the journalist’s camera.

Dar es Salaam Special Zone Police Commander (CP) Suleiman Kova, said they held interviews with the journalist and the accused police officers. If it turns out that what Mr. Eliah Ruzika is saying is true, action will be taken against the police officers. Secretary General of the Tanzania Editors Forum (TEF) Mr. Neville Meena condemned the act as well as the increasing incidents of attacks on journalists in the country. When contacted the journalist said that no action was ever taken against the police officers who assaulted him.

In November, 2013, three journalists accompanying the Deputy Minister of Natural Resources and Tourism, Lazaro Nyalandu on his tour in the natural forest of Gori, where police were evicting citizens were also beaten up by police and forced to surrender their cameras, notebooks and mobile phones. The journalists, Michael Emmanuel from Star TV / Radio Free Africa, Leonard Manga from the Tanzania Broadcasting Corporation (TBC) and Hillary Shoo from Jamboleo newspaper were interviewing people who were evicted and taking photographs of houses and other properties including food that were burnt by the authorities in the operation. It was only after the intervention of the Deputy Minister that the police officials agreed to give back to the journalists the confiscated items.

In November 2013 clashes ensued between pastoralists and farmers in the village of Sungaji, Mvomero District in Morogoro as a result of a simmering land dispute. A journalist with Abood Media, Hilda Singano, was attacked and injured by the warring parties when she was covering the skirmishes. Ms. Singano said that she was attacked by pastoralists after they questioned her why she was filming the area.
2.4 Banning

In 2013, a number of orders banning both electronic and print media outlets shook the media fraternity and the public in general. The Tanzania Communications Regulatory Authority (TCRA) Content Committee imposed sanctions, including suspension of three radio stations for violating broadcasting regulations.

The TCRA Content Committee suspended *Imaan FM* of Morogoro, and *Kwa Neema FM* of Mwanza, for 6 months and fined Dar es Salaam based Clouds FM radio five million shillings in February 2013.

*Clouds FM* was also ordered to remove a segment of their Power Breakfast show known as *Jicho la Ng’ombe* for allegedly contravening broadcasting regulations.

*Jicho la Ng’ombe* segment was ordered off air apparently for comments on homosexuality. TCRA suspended *Radio Imaan* for allegedly urging Muslims to boycott the National Census which was conducted in August 2012. The offending broadcast was aired in the morning of June 12, 2012 and the suspension ordered seven months later raising eyebrows on the government action. *Kwa Neema Radio* was suspended for inflammatory broadcasts which were aired on July 13, 2012, August 20, 2012 and August 21, 2012 which were viewed as aiming at creating religious tensions between Christians and Muslims. The suspension also came almost six months after the inflammatory broadcasts.

Moreover, in September, 2013, the Minister for Information banned *Mwananchi* and *Mtanzania* newspapers for fourteen and ninety days, respectively. The newspapers were punished for allegedly publishing seditious stories likely to provoke incitement and hostility with the intention of influencing the public to lose confidence in state organs and create disharmony.

Following this incident, media stakeholders including MCT condemned the closure of the two newspapers and oppressive media laws such as the Newspaper Act, 1976 and Broadcasting Policy of 2003. These laws give the responsible Minister enormous power to close down any newspaper, radio or television station.

MCT together with Coalition on the Right to Information (CORI) in October, 2013 requested international media organizations including: International Press Institute (IPI), Committee to Protect Journalists (CPJ), International Federation of Journalists (IFJ), East African Journalists Association (EAJA), Freedom House, Index on Censorship, World Association of Press Councils (WAPC), Press Council of Nepal and Article XIX (Nairobi) to join hands to petition His Excellency the President of the United Republic of Tanzania, Dr. Jakaya Mrisho Kikwete, to make true his promises to ensure that the bad media laws are rescinded and are replaced with friendly laws which will enhance freedom of media and expression in Tanzania.

At the time of writing this report, three of the requested media organizations petitioned the President of the United Republic of Tanzania namely: Media Council of Malawi (MCM), Press Council Nepal and World Association of Press Councils (WAPC).

A cartoon from The Guardian newspaper of September 30, 2013, following government’s order for closure of the two daily Kiswahili newspapers.
2.5 Murder

This report shows that there was one murder of a journalist in 2013. The murder happened in Kigoma region in the west of Tanzania and was of Mr. Issa Ngumba, a Kakonko based correspondent for a community radio, Radio Kwizera. The journalist’s body was found in the Kajuluheta mountain forest on January 8, 2013. By then Mr. Ngumba had already been missing for three days. MCT formed a team to investigate if Mr. Ngumba was murdered because of his work as a journalist. The team did not find indications which could lead them to conclude that the murder of journalist Issa Ngumba was related to his work as a reporter, and the reason why he was killed is still a mystery.

3. Violations by Region

The report also reveals the number of press freedom violations per region in the year 2013. The following figure shows the statistics of the press freedom violations per region.

Figure No. 3. Reported Violations per Region
Jan - Dec, 2013
2. Murder

This report shows that there was one murder of a journalist in 2013. The murder happened in Kigoma region in the west of Tanzania and was of Mr. Issa Ngumba, a Kakonko based correspondent for a community radio, Radio Kwizera.

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3. Violations by Region

The report also reveals the number of press freedom violations per region in the year 2013. The following figure shows the statistics of the press freedom violations per region.

Figure No. 3. Reported Violations per Region

Figure No. 2 indicates that Dar es Salaam is the leading region. Twenty one reported violations happened in Dar es Salaam during the period examined. This is 55.2% of the total number of violations in the country. In Arusha, Geita, Manyara and Kilimanjaro two violations occurred (5.2%) in each region. And in Iringa, Kagera, Mara, Mbeya, Mtwara, Zanzibar, Shinyanga, Mwanza and Singida one press freedom violation occurred (2.6%) in each region.

Although, Figure No. 2 shows Dar es Salaam is leading, and the more likely reason being because there is a bigger concentration of media outlets, it should be noted that many more violations upcountry go unreported because many journalists are still not aware of the presence of the PFVR while in some instances journalists feel that some of the violations are just part of the vagaries of the profession.

4. Conclusions

Although Article 18 of the Constitution of the United Republic of Tanzania, 1977 provides for freedom of expression, there are a number of laws that hinder access to information, press freedom and freedom of expression. Researchers from the Coalition on the Right to Information (CORI), which is headed by the MCT, have identified 17 laws that impinge on press freedom and freedom of expression in Tanzania. One of these laws is the Newspaper Act of 1976, which empowers the Minister to close down any newspaper, “in the interest of peace and good order”.

Since 2006, efforts to change laws which impinge on press freedom and freedom of expression have been exerted but progress has been slow in coming. However, there is hope of better media laws which will protect freedom of the press and of the journalists if Articles 30 and 31 of the second draft of the Constitution will be passed by the Constituent Assembly and eventually in the referendum. These articles require the enactment of laws on promoting freedom of opinion and freedom of the press.

A culture of secrecy has permeated the psyche of officials and it is the main reason it is a problem to get access to information held by Government officials and acts such as intimidation by security forces are frequent.

Attacks against journalists are also becoming common place and threatening journalists’ security.

The establishment of the Press Freedom Violations Register is an effort by the Council to provide tangible evidence on the level of freedom under which the media operate in Tanzania but also be able to understand trends and also to investigate serious violations. The Press Freedom Violations Register is also a vital advocacy tool for lobbying and advocacy for law reforms.
This is the first report of press freedom violations compiled and written by the Council since the establishment of the press freedom violations register in early 2012. It aims at providing a comprehensive review of press freedom violations as recorded in the register and a synopsis of the various reports of regional and national investigations conducted. It is envisaged that having hard data on press freedom violations would go a long way to assist in lobbying and advocating for laws and policies which will support press freedom and freedom of expression in the country.