



# REPRIEVE



**United Republic of Tanzania  
Stakeholder Report for the United Nations Universal Periodic Review**

**Submitted by The Advocates for Human Rights,**  
a non-governmental organization in special consultative status

**The World Coalition Against the Death Penalty,**

**Legal and Human Rights Centre,**

**Reprieve,**

and

**The Children Education Society**

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Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty**, an alliance of more than 150 NGOs, bar associations, local authorities and unions, was created in Rome on May 13, 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

**Legal and Human Rights Centre (LHRC)** is an independent, non-partisan and non-profit human rights organization, that seeks to promote internationally recognized human rights norms and standards in Tanzania. The organization specializes in legal and human rights monitoring, legal aid, civic awareness, research, advocacy for policy and legal reforms.

**The Children Education Society (CHESO)** is a not for profit non-governmental organization working towards a society where all children enjoy their rights and victims can access quality,

inclusive education.

**Reprieve** is a legal action non-governmental organization that promotes and protects the rights of those facing the death penalty and human rights abuses, often at the hands of governments, carried out in the name of “counterterrorism” or “national security,” with a focus on arbitrary detention, torture, and extrajudicial executions.

## I. EXECUTIVE SUMMARY

1. This report addresses the United Republic of Tanzania’s compliance with its human rights obligations with regard to the death penalty. Tanzania has been observing a *de facto* moratorium on executions since 1994; however, Tanzanian courts continue to sentence people to death, and the Penal Code mandates application of the death penalty by “hanging” for treason and murder, without consideration of mitigating factors. According to interviews with nongovernmental organizations, there is inadequate police training to investigate murders and courts give no consideration to mitigating factors or defenses, such as that the defendant has intellectual or psycho-social disabilities, a history of sexual violence and trauma, or has young children or is nursing. Moreover, although Tanzania ratified the International Covenant on Civil and Political Rights (the ICCPR), there are reports of violations of fair trial obligations under that treaty. For example, sources provide that defendants, often in poor or rural communities, receive inadequate legal representation, have inadequate time and aid to prepare defenses, and lack translators. Moreover, police lack training and resources on informing suspects of their constitutional rights, and suspects often lack representation during custodial questioning. There also have been recorded instances of parading of suspected criminals before the media prior to trial, though the General of Police cautioned against such activities and there have been no documented reports of it since 2019. In addition, people living on death row reportedly receive different treatment from others in prison, including receiving inadequate food, water, and health care, and they face psychological duress at the prospect of their execution, even though executions have unofficially ceased. Although some people on death row have received commutations or pardons, there is little to no transparency with regard to requesting or obtaining such relief from a capital conviction. Tanzania effectively withdrew its declaration allowing individuals and nongovernmental organizations to file Applications with the African Court on Human and Peoples’ Rights in 2020, and has not implemented that court’s decision in *Ally Rajabu and Others v. United Republic of Tanzania* (“*Ally Rajabu*”), invalidating mandatory death sentences. This report makes the recommendations set forth in Section IV herein.

## II. BACKGROUND AND FRAMEWORK

### A. The 2016 Universal Periodic Review of the United Republic of Tanzania

2. During its second-cycle Universal Periodic Review in 2016, Tanzania received 16 recommendations related to the death penalty. Tanzania did not accept any of these recommendations. Tanzania accepted several recommendations related to detention conditions and fair trial rights.
  1. *Ratify the Second Optional Protocol to the ICCPR*

#### **Status of Implementation: Not Accepted, Not Implemented**

3. Tanzania received five recommendations to ratify, or consider ratifying, the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2). Tanzania did not accept or implement the recommendation of Namibia to consider ratifying the ICCPR-OP2, or the recommendations of Belgium, Montenegro, Norway, and Uruguay to ratify it.<sup>1</sup>

2. *Establish a formal moratorium on the death penalty*

**Status of Implementation: Not Accepted, Not Implemented**

4. Australia recommended that Tanzania establish a formal moratorium with a view toward ratifying the ICCPR-OP2.<sup>2</sup> Angola, France, and Slovenia recommended that Tanzania establish a formal moratorium on the death penalty.<sup>3</sup> Chile recommended that Tanzania “[a]dopt an official moratorium on the death penalty and conduct studies and discussions to consider its abolition.”<sup>4</sup> Italy recommended that Tanzania “[c]onsider taking all necessary steps to establish a *de jure* moratorium on executions with a view to fully abolishing the death penalty.”<sup>5</sup> Tanzania did not accept or implement these recommendations.

3. *Move toward the de jure abolition of capital punishment*

**Status of Implementation: Not Accepted, Not Implemented**

5. Spain recommended that Tanzania move towards *de jure* abolition of capital punishment.<sup>6</sup> Tanzania did not accept or implement this recommendation.

4. *Prohibit all forms of capital punishment*

**Status of Implementation: Not Accepted, Not Implemented**

6. Costa Rica recommended that Tanzania abolish the death penalty, while Portugal recommended that Tanzania “[f]ormally abolish the death penalty for all cases and under all circumstances” and ratify ICCPR-OP2.<sup>7</sup> Togo recommended that Tanzania “[e]xpeditiously the proceedings to abolish the death penalty.”<sup>8</sup> Mongolia recommended that Tanzania “[c]onsider taking steps towards the abolishment of the death penalty.”<sup>9</sup> Sweden recommended that Tanzania prohibit all forms of corporal punishment on the basis that corporal punishment is a lawful punishment, handed out for specific offenses, subject to guidelines, which is favored by a majority of the population, and serves as a significant deterrent role in society.<sup>10</sup> Tanzania did not accept or implement these recommendations.

5. *Detention conditions*

**Status of Implementation: Partially Accepted, Not Implemented**

7. Tanzania supported three recommendations specifically relating to detention conditions: “[s]trengthen accountability measures for law enforcement officers and continue to improve living conditions in prison” (South Africa), “[s]trengthen the efforts of reforming the punitive system, including the development of the prison and detention conditions” (Egypt), and “[e]nforce the implementation of the National Prison Policy at all levels” (Austria). Tanzania noted 20 recommendations to ratify the Convention against Torture but accepted 4 recommendations to “consider” ratifying it. Tanzania also accepted Spain’s recommendation to “[r]einforce the prohibition of torture in the new constitution, which is pending approval.” Tanzania has not implemented these recommendations.

## 6. Administration of justice & fair trial

### **Status of Implementation: Accepted, Not Implemented**

8. Tanzania supported two recommendations relating to the administration of justice and fair trial rights: “[i]ncrease significantly the human and material resources to ensure access to justice in rural areas” (Spain) and “[t]ake necessary measures to improve the functioning of justice as a whole, especially regarding access to justice and right to fair trial” (France). Tanzania has not implemented these recommendations.

### **B. Domestic Legal Framework**

9. Tanzania’s Penal Code provides that the following offenses carry the death penalty: murder and treason.<sup>11</sup> Section 197 mandates that “[a] person convicted of murder shall be sentenced to death.”<sup>12</sup> Similarly, the Penal Act of Zanzibar provides that a person convicted of murder “shall be sentenced to death.”<sup>13</sup> Sections 39 and 40 of Tanzania’s Penal Code mandate application of the death penalty for a conviction of treason.<sup>14</sup> The Penal Code exempts persons under eighteen years of age and pregnant women from the death penalty.<sup>15</sup> Breastfeeding mothers are not exempt from being sentenced to death.<sup>16</sup> The Penal Code mandates that when a person is sentenced to death, the sentence shall direct that the person suffer “death by hanging.”<sup>17</sup>

## **III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

### **Right or area 2.1. Acceptance of international norms**

10. Tanzania has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to abolish the death penalty<sup>18</sup> or the Convention against Torture. Tanzania has a *de facto* moratorium on the death penalty, in that no executions have occurred since 1994,<sup>19</sup> but the Penal Code provides for a mandatory death penalty.<sup>20</sup>
11. In 2019, Tanzania withdrew the right of individuals and non-governmental organizations to file cases directly against it at the African Court, and it has not implemented the African Court’s judgment in *Ally Rajabu* invalidating the country’s mandatory death penalty for murder.<sup>21</sup>

### **Right or area 12.4. Death penalty**

12. Tanzania has had a *de facto* moratorium on executions since 1994, but courts continue to hand down death sentences. As noted in paragraph 7, Tanzania has a mandatory death penalty for murder and treason.<sup>22</sup>
13. On 9 December 2020, in commemoration of Tanzania’s Independence Day, President John Magufuli commuted the death sentences of 256 persons to life imprisonment.<sup>23</sup> President Magufuli in 2017 publicly requested that courts “not . . . submit to me the list of names of the prisoners who are in line to be hanged to death. . . . [P]lease don’t bring the list of those people to me” to authorize their executions.<sup>24</sup>
14. In November 2019, the African Court upheld a challenge to the country’s mandatory death penalty. In the *Ally Rajabu* case, five Tanzanian nationals who had been sentenced to death challenged their sentences on various grounds. The Court held that because the

mandatory application of the death penalty “is automatic and mechanical,” and “as such, the provision of the sentence and its imposition do not permit consideration of mitigating factors; applies to accused persons without any distinction; takes away the discretion inherent in the exercise of the judicial function; and does not observe proportionality between the facts and the penalty,” it therefore “does not uphold fairness and due process as guaranteed under Article 7(1) of the [African] Charter [on Human and Peoples’ Rights].”<sup>25</sup> The Court concluded that the mandatory death sentence in Section 197 of the Penal Code “constitutes an arbitrary deprivation of the right to life.”<sup>26</sup> The Court also awarded the applicants 4 million Tanzanian Shillings each for moral damages, to be paid within six months of notification of the judgment.<sup>27</sup> The Court further directed Tanzania to set aside the applicants’ death sentences and replace them “with any other order that it will deem appropriate within its domestic processes.”<sup>28</sup>

15. On 21 November 2019, one week before the Court issued its judgment, Tanzania notified the African Union that it had withdrawn the right of individuals and non-governmental organizations to file cases directly against it at the African Court.<sup>29</sup> Soon after the African Court issued its judgment, Tanzanian Attorney General Adelardus Kilangi told a news outlet that the Constitution took precedence over international judgments, thereby suggesting that Tanzania might disregard the judgment.<sup>30</sup>
16. In October 2020, Amnesty International reported that Tanzania had yet to implement the Court’s judgment.<sup>31</sup>
17. Tanzanian courts continue to sentence people to death. In September 2019, for example, a court sentenced seven people to death for killing a woman alleged to have been engaging in witchcraft.<sup>32</sup> The Legal and Human Rights Centre documented 19 death sentences in 2019, up from 6 in 2018<sup>33</sup> and 15 in 2017.<sup>34</sup> Tanzanian courts have sentenced at least nine people to death in 2020. On 18 September 2020, the High Court in Dar es Salaam sentenced five men to death for a 2013 murder.<sup>35</sup> On 24 December 2020, the High Court Mwanza Zone sentenced four people to death for a 2015 murder.<sup>36</sup>
18. Tanzania has abstained from all eight resolutions in the General Assembly calling for a moratorium on the use of the death penalty, including the most recent resolution adopted on 16 December 2020.
19. During the interactive dialogue in 2016, the Tanzanian delegation stated that in capital cases, “measures, including mandatory representation and fair trial guarantees, were in place to protect the rights of suspects.” The delegation added that people sentenced to death “had the right to appeal decisions.”<sup>37</sup>
20. According to an interview with a nongovernmental organization, one reason the government offers for imposing the mandatory death penalty is that such a penalty may act as a “deterrent.”<sup>38</sup>
21. According to interviews with nongovernmental organizations, convictions for murder, and the resulting mandatory death penalty, are sometimes based solely on circumstantial evidence, and that the majority of prisoners on death come from poor or rural communities.<sup>39</sup>

#### **Right or area 12.6. Conditions of detention**

22. The Legal and Human Rights Centre has documented that over 480 persons were on death row in Tanzania as of the end of 2019.<sup>40</sup> Tanzania has the third-largest death row

population in Sub-Saharan Africa, after Nigeria and Kenya.<sup>41</sup> LHRC has identified congestion in prisons as a “big problem.”<sup>42</sup>

23. People under sentence of death are segregated from the rest of the prison population, but they live in several detention facilities spread across the country.<sup>43</sup> One person who had spent considerable time on death row before being pardoned described life on death row as “terrifying,” and stated that he developed hypertension “because of thinking what is next for me.”<sup>44</sup> Another person who had later been pardoned reported his fear after learning of the building in the prison compound where the gallows are kept: “my terror intensified. Even when you try to sleep the fear mounts.”<sup>45</sup>
24. Prison conditions are reportedly “harsh and life threatening,” including pervasive conditions of “[i]nadequate food, overcrowding, poor sanitation, and insufficient medical care.”<sup>46</sup> Prison staff report “food and water shortages, a lack of electricity, inadequate lighting, and insufficient medical supplies.”<sup>47</sup> In 2018, President Magufuli told the Commissioner General of Prisons that the government would no longer feed people housed in prisons and suggested that they should cultivate their own food.<sup>48</sup> Subsequent to that statement, some detained persons “reported receiving no food from the prison authorities, relying solely on what family members provided.”<sup>49</sup>
25. According to interviews with nongovernmental organizations, physical abuse of people held in prisons is common.<sup>50</sup>
26. According to interviews with nongovernmental organizations, people on death row are treated differently than other inmates in that they are not allowed to work, avail themselves of educational or developmental resources, and are allowed only very limited outside recreation. Reportedly, people on death row are required to provide for their own food.<sup>51</sup> It is possible that Tanzania maintains the death penalty in order to perpetuate this disparate treatment of people under sentence of death.<sup>52</sup>

#### **Right or area 15.1. Administration of justice & fair trial**

27. In 2019, the Legal and Human Rights Centre interviewed three people in the Njombe Region who had been pardoned and released from custody in 2017, years after being sentenced to death.<sup>53</sup> These people attributed their convictions to inadequate legal representation in court proceedings.<sup>54</sup> There are reports that, although legal representation is constitutionally mandated, it is not always provided, particularly for refugees.<sup>55</sup>
28. According to interviews with nongovernmental organizations, people arrested for capital offenses are not always informed of their rights and lawyers are not present when suspects are questioned.<sup>56</sup> Moreover, police officers are not trained to recognize and accommodate psychosocial disabilities or the effects of abuse when investigating capital offenses.<sup>57</sup>
29. The Legal and Human Rights Centre in its 2019 annual report identified several practices undermining fair trial rights. LHRC identified as a “key concern” the practice of law enforcement officers parading suspected criminals before the media, in contravention of the principles of due process and the presumption of innocence.<sup>58</sup> In September 2019, Inspector General of Police Simon Sirro cautioned Regional Police Commanders against this practice.<sup>59</sup> An interview with a nongovernmental organization reported that there have been no documented reports of such practices since the Inspector General of Police issued his caution.<sup>60</sup>

30. LHRC reports that people residing in rural areas face barriers to obtaining legal aid and adequate representation.<sup>61</sup> They face these barriers in part because some attorneys are unable to travel to rural areas.<sup>62</sup> Moreover, there are reports that translators are not always present during the preparation of the defense, particularly for refugees who tend to reside in poor or rural areas.<sup>63</sup>
31. LHRC notes that the judiciary faces a shortage of staff, magistrates, and judges, with 42.5% of needed positions remaining unfilled.<sup>64</sup> LHRC also has documented “a tendency of threatening lawyers who see to represent their clients, particularly in criminal cases.”<sup>65</sup> There also are reports of threatening or harassing human rights activists and journalist.<sup>66</sup> There further are reports that “[a]uthorities did not always allow detainees sufficient time to prepare their defense, and access to adequate facilities was limited.”<sup>67</sup>
32. Article 45 of the United Republic of Tanzania Constitution 1977 as amended read together with section 3 of the Presidential Affairs Act Cap. 9 gives the president discretion to commute or pardon, but there are no set procedures and the process lacks transparency.<sup>68</sup>

#### IV. RECOMMENDATIONS

This stakeholder report suggests the following recommendations for the Government of the United Republic of Tanzania:

##### *Acceptance of international norms*

- Ratify the Second Optional Protocol to the ICCPR;
- Reinstate authorization for individuals and non-governmental organizations to file cases directly against Tanzania at the African Court;
- Fully implement the African Court’s *Ally Rajabu* decision, including by ensuring that all persons sentenced to death by virtue of a mandatory death penalty have fair and transparent resentencing hearings with legal representation provided by the State.

##### *Death Penalty*

- Abolish the death penalty and replace it with penalties that are fair, proportionate, and aligned with international human rights standards;
- Adopt a formal moratorium on executions with a view to abolishing the death penalty;
- Amend the Penal Code to ensure that the death penalty is an available sentence only for the “most serious” crimes, i.e., crimes in which the person at risk of being sentenced to death intended to commit, and did in fact commit murder.
- Commute existing death sentences to punishments that are fair, proportionate, and in compliance with international human rights standards;
- Ensure that all courts, when deciding whether to impose a death sentence, take into consideration all mitigating factors, including but not limited to, the impact of intellectual and psycho-social disabilities and history of sexual violence and trauma on people accused of committing murder, as well as the impact of a death sentence on the accused’s infants and children, as well as other family members;



- Conduct an investigation and prepare a report to present to the President on consideration of mitigating factors in making sentencing determinations in capital cases with a view to revising the Penal Code to abolish the mandatory death penalty;
- Conduct research into human rights issues and other concerns regarding proposals to limit sentences to a specific term of years, with an opportunity for parole or pardon.

#### *Conditions of detention*

- Commission an independent, impartial investigation of prison conditions for people on death row, including the adequacy of food, water, medicine, fresh air, exercise, access to mental health professionals, education, and vocational training, and ensure that detention conditions in these respects comply with the Nelson Mandela Rules;
- Ratify the Convention against Torture.

#### *Administration of justice and fair trial*

- Prohibit the introduction of evidence obtained under duress, and issue guidelines on the steps judges must take when a defendant alleges torture, including ordering an independent investigation of all credible allegations and taking immediate steps to protect individuals alleging torture or ill-treatment from retaliation;
- Ensure that officials at the highest level publicly condemn torture and ill-treatment by State agents and adopt a zero-tolerance policy;
- Build public support for Penal Code reform to strengthen protections for fair trial rights through awareness raising campaigns, educational efforts, influencing leaders, coalition-building, and supporting grass roots advocacy;
- Prohibit courts from proceeding with trials for capital offenses in the absence of translators, where needed;
- Ensure that any person charged with a capital offense is provided qualified legal counsel with experience in capital cases;
- Establish a fund to remunerate attorneys who represent defendants who cannot afford private counsel;
- Ensure sufficient funding to legal counsel representing individuals in capital cases to cover the cost of conducting a thorough investigation and the cost of transportation to rural areas, when needed;
- Establish a fund to offer aid to children of parents sentenced to death to provide for educational needs, food, water, and living expenses;
- Publish rules and procedures for requesting or obtaining a commutation of a death sentence or a pardon for a capital conviction and maintain public information on the status of all such requests;
- Publish comprehensive data on the number of persons sentenced to death in Tanzania since 2009, disaggregated by crime of conviction, date of sentencing, demographic details of the defendant, whether the State provided the person with legal aid free of charge at trial and on appeal, status of any appeals or requests for commutation, date of any pardon or commutation, current sentence, and current location of detention (if any);

- Amend article 197 of the Penal Code to exempt mothers of breastfeeding infants and young children from being sentenced to death or executed;
- Ensure that any person suspected of a capital offense are provided with free legal representation before authorities commence any questioning of the suspect and throughout the investigatory process;
- Require police to inform persons suspected of capital offenses of their constitutional rights and provide the police with adequate training to identify people with intellectual and psycho-social disabilities and/or a history of abuse and trauma and to accommodate their conditions in conducting investigatory work;
- Ensure that any person accused of a capital offense has the right to receive, free of charge, a prompt examination by a qualified mental health professional, where the need for such an examination is indicated;
- Conduct an awareness-raising campaign to increase cultural understanding of psycho-social disabilities and the effect of abuse and trauma on persons.

<sup>1</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tanzania*, (July 14, 2016), U.N. Doc. A/HRC/33/12, ¶¶ 137.26, 137.27, 137.28, 137.29, and 137.31.

<sup>2</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tanzania*, (July 14, 2016), U.N. Doc. A/HRC/33/12, ¶¶ 137.30.

<sup>3</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tanzania*, (July 14, 2016), U.N. Doc. A/HRC/33/12, ¶¶ 137.55, .56, .58.

<sup>4</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tanzania*, (July 14, 2016), U.N. Doc. A/HRC/33/12, ¶¶ 137.62.

<sup>5</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tanzania*, (July 14, 2016), U.N. Doc. A/HRC/33/12, ¶¶ 137.59.

<sup>6</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tanzania*, (July 14, 2016), U.N. Doc. A/HRC/33/12, ¶¶ 137.32.

<sup>7</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tanzania*, (July 14, 2016), U.N. Doc. A/HRC/33/12, ¶¶ 137.61.

<sup>8</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tanzania*, (July 14, 2016), U.N. Doc. A/HRC/33/12, ¶¶ 137.54, 57.

<sup>9</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tanzania*, (July 14, 2016), U.N. Doc. A/HRC/33/12, ¶¶ 137.60.

<sup>10</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Addendum: Tanzania*, (September 22, 2016), U.N. Doc. A/HRC/33/12/Add.1, ¶¶ 136.21.

<sup>11</sup> Penal Code of Tanzania, Chapter 16, Revised Edition 2019.

<sup>12</sup> Penal Code of Tanzania, CAP 16 R.E. 2019, Section 197 (punishment of murder) and 196 (murder).

<sup>13</sup> Penal Act of Zanzibar, art. 180, Act No. 6 of 2018, Mar. 16, 2018.

<sup>14</sup> Penal Code of Tanzania, CAP 16 R.E. 2019, Sections 39–40.

<sup>15</sup> Penal Code of Tanzania, CAP 16 R.E. 2019 Section 26(1)(2).

<sup>16</sup> Zuwena Shame, *Society calls upon govt to amend the Penal Code*, IPP Media, 3 Oct. 2020, <https://www.ippmedia.com/en/news/society-calls-upon-govt-amend-penal-code%C2%A0> (last visited 30 Dec. 2020).

<sup>17</sup> Penal Code of Tanzania, CAP 16, R.E. 2019 Section 26(1) (sentence of death).

<sup>18</sup> United Nations Human Rights Treaty Bodies, Ratification status for United Republic of Tanzania. Available online at [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=186&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=186&Lang=EN) (last accessed February 23, 2021).

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<sup>19</sup> Human Rights Committee, *Concluding observations on the fourth periodic report on the United Republic of*

*Tanzania, adopted by the Committee at its 96th session (13–31 July 2009)*, U.N. Doc. CCPR/C/TZA/CO/4, ¶ 4 [hereinafter 2009 Concluding Observations].

<sup>20</sup> Human Rights Committee, *Concluding observations on the fourth periodic report on the United Republic of Tanzania, adopted by the Committee at its 96th session (13–31 July 2009)*, U.N. Doc. CCPR/C/TZA/CO/4, ¶ 4 [hereinafter 2009 Concluding Observations]; Penal Code of Tanzania, arts. 197, 196, 39 and 40 (1945), available online at <https://www.refworld.org/docid/3ae6b5de0.html>.

<sup>21</sup> *Tanzania: Withdrawal of individual rights to African Court will deepen repression*, Amnesty International, 2 Dec. 2019, <https://www.amnesty.org/en/latest/news/2019/12/tanzania-withdrawal-of-individual-rights-to-african-court-will-deepen-repression/> (last visited 30 Dec. 2020); *Death Sentences and Executions 2019*, Amnesty International (2020), at 51 n. 146, <https://www.amnesty.org/download/Documents/ACT5018472020ENGLISH.PDF>; *Africa: Positive death penalty decision undermined by continued executions*, Amnesty International, 10 Oct. 2020, <https://www.amnesty.org/en/latest/news/2020/10/africa-positive-death-penalty-decision-undermined-by-continued-executions/> (last visited 30 Dec. 2020).

<sup>22</sup> Human Rights Committee, *Concluding observations on the fourth periodic report on the United Republic of Tanzania, adopted by the Committee at its 96th session (13–31 July 2009)*, U.N. Doc. CCPR/C/TZA/CO/4, ¶¶ 4, 14 [hereinafter 2009 Concluding Observations].

<sup>23</sup> Kizito Makoye, *Tanzania commutes death sentences of 256 convicts*, Anadolu Agency, 9 Dec. 2020, <https://www.aa.com.tr/en/africa/tanzania-commutes-death-sentences-of-256-convicts/2071191> (last visited 30 Dec. 2020).

<sup>24</sup> Thalia Gerzso, *Tanzania: President Magufuli declares his position against the death penalty*, World Coalition Against the Death Penalty, 20 Sept. 2017, <http://www.worldcoalition.org/Tanzania-President-Magufuli-declares-his-position-against-the-death-penalty.html> (last visited 30 Dec. 2020).

<sup>25</sup> *Ally Rajabu and Others v. United Republic of Tanzania*, Application No. 007-2015, Judgment on Merits and Reparations, Press Release, African Court on Human and Peoples’ Rights, 28 Nov. 2019, at 6, [https://www.african-court.org/en/images/Cases/Judgment/Judgment\\_Summary\\_Application\\_007-2015-Ally\\_Rajabu\\_and\\_Others\\_v\\_Tanzania\\_Final.pdf](https://www.african-court.org/en/images/Cases/Judgment/Judgment_Summary_Application_007-2015-Ally_Rajabu_and_Others_v_Tanzania_Final.pdf).

<sup>26</sup> *Ally Rajabu and Others v. United Republic of Tanzania*, Application No. 007-2015, Judgment on Merits and Reparations, Press Release, African Court on Human and Peoples’ Rights, 28 Nov. 2019, at 6, [https://www.african-court.org/en/images/Cases/Judgment/Judgment\\_Summary\\_Application\\_007-2015-Ally\\_Rajabu\\_and\\_Others\\_v\\_Tanzania\\_Final.pdf](https://www.african-court.org/en/images/Cases/Judgment/Judgment_Summary_Application_007-2015-Ally_Rajabu_and_Others_v_Tanzania_Final.pdf).

<sup>27</sup> *Ally Rajabu and Others v. United Republic of Tanzania*, Application No. 007-2015, Judgment on Merits and Reparations, Press Release, African Court on Human and Peoples’ Rights, 28 Nov. 2019, at 7, 9, [https://www.african-court.org/en/images/Cases/Judgment/Judgment\\_Summary\\_Application\\_007-2015-Ally\\_Rajabu\\_and\\_Others\\_v\\_Tanzania\\_Final.pdf](https://www.african-court.org/en/images/Cases/Judgment/Judgment_Summary_Application_007-2015-Ally_Rajabu_and_Others_v_Tanzania_Final.pdf).

<sup>28</sup> *Ally Rajabu and Others v. United Republic of Tanzania*, Application No. 007-2015, Judgment on Merits and Reparations, Press Release, African Court on Human and Peoples’ Rights, 28 Nov. 2019, at 9, [https://www.african-court.org/en/images/Cases/Judgment/Judgment\\_Summary\\_Application\\_007-2015-Ally\\_Rajabu\\_and\\_Others\\_v\\_Tanzania\\_Final.pdf](https://www.african-court.org/en/images/Cases/Judgment/Judgment_Summary_Application_007-2015-Ally_Rajabu_and_Others_v_Tanzania_Final.pdf).

<sup>29</sup> *Tanzania: Withdrawal of individual rights to African Court will deepen repression*, Amnesty International, 2 Dec. 2019, <https://www.amnesty.org/en/latest/news/2019/12/tanzania-withdrawal-of-individual-rights-to-african-court-will-deepen-repression/> (last visited 30 Dec. 2020); *Death Sentences and Executions 2019*, Amnesty International (2020), at 51 n. 146, <https://www.amnesty.org/download/Documents/ACT5018472020ENGLISH.PDF>.

<sup>30</sup> Faustine Kapama, *Tanzania: State Unhappy With Death Penalty Ruling*, Tanzania Daily News, 30 Nov. 2019, available at <https://allafrica.com/stories/201911300077.html> (last visited 30 Dec. 2020).

<sup>31</sup> *Africa: Positive death penalty decision undermined by continued executions*, Amnesty International, 10 Oct. 2020, <https://www.amnesty.org/en/latest/news/2020/10/africa-positive-death-penalty-decision-undermined-by-continued-executions/> (last visited 30 Dec. 2020).

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