

Tanzania

Response to Information Request Number:	Number: TZA98001.hqa
Date:	April 28, 1998
Subject:	Tanzania: Democratic Party Of Tanzania (DP)/Government Treatment Of DP Members Or Political Opponents/Sungusungu
From:	INS, Headquarters - Quality Assurance
Keywords:	Tanzania/Democratic Party of Tanzania/DP/Rev. Christopher Mtikila/Sungusungu/Women/Police Brutality/Arbitrary Arrest/Political Opposition

Query:

Please provide information on the DP Party of Tanzania, and whether its are at risk of harm by the government or a group known as Sungusungu.

Response:

Historical context

The Chama Cha Mapinduzi (CCM, Party for the Revolution) has dominated Tanzanian political life since its 1960 independence from Britain. Arab sultans were deposed in a bloody revolution in 1964 and Zanzibar and Pemba Islands were joined to then Tanganyika and became the country of Tanzania. The mainland and islands merged under a power-sharing arrangement which gave the islanders limited autonomy. Although the government and party structures of the islands and the mainland are integrated, the Zanzibar government has its own president and parliament. There are approximately 700,000 islanders who are 90 percent Muslim; and approximately 26 million persons living on the mainland who are of mainly Christian and animist faiths. Although the Republic of Tanzania amended its Constitution in 1992 to become a multi-party state, the one-party (CCM) parliament was allowed to complete its term in October 1995. After more than 30 years of CCM one-party rule, Tanzania conducted its first multi-party elections in 1995. The CCM continued to control the Union government, winning 186 seats out of the 232 seats in parliament. The elections were marred by irregularities, and it is uncertain whether the legislature will become an effective forum for political debate or whether the CCM will carry on its lengthy tradition of one-party rule. (*Freedom in the World 1996-1997* 1997, 480, 481; *Country Reports 1997* 1998, 345)

Legal registration of political parties

The Registrar of Political Parties has sole authority to grant or deny registration of political parties and to enforce registration regulations. The Registrar announced plans to deregister parties that failed to win 3% of the vote in the last election.

The Constitution and other legal acts

1. Prohibit establishment of new political parties by citizens.

2. Require membership in 1 of the 13 registered parties by candidates.

The electoral law

1. Prohibits independent candidates.
2. Requires resignation if Members of Parliament join another party.
3. Requires support of the union with Zanzibar by all political parties.
4. Prohibits parties based on ethnic, regional or religious affiliation.
5. Permits parties granted with provisional registration to hold public meetings and recruit members.
6. Requires a 6 month deadline to submit a list of 200 members in each of 10 of the country's 25 regions including 2 regions in Zanzibar.
7. Prohibits holding meetings, recruiting members or fielding candidates for non-registered parties. (Country Reports 1997 1998, 349, 350)

Democratic Party (DP) of Tanzania

The Democratic Party (DP) is the most prominent unregistered party in Tanzania. (*Country Reports 1997 1998*, 350) The DP is led by Christopher Mtikila, a Christian fundamentalist who is the Reverend of the Full Salvation Church. (*Indian Ocean Newsletter* 13 Feb. 1993) The DP calls for the dissolution of the Union Government of Tanzania and has openly campaigned for the separation of the islands of Zanzibar and Pemba from mainland Tanganyika. The DP supports the expulsion of minorities from the mainland. (*Country Reports 1997 1998*, 350; Inter Press Service 20 Oct. 1995) The DP and its leader, Rev. Mtikila, have promoted hatred towards non-African business persons, particularly those of Arab and Asian descent. (Reuters 2 Feb. 1993)

Rev. Mtikila was born in southern Tanzania in 1950. He studied abroad and became active in the human rights organization of the Full Salvation Church known as the Liberty Desk. He is described as a "dangerous opportunist" and a highly polemic individual. Others view him as a champion of ordinary people in a struggle against *Gabocholis* (a derogatory term used to describe Tanzanians of Asian origin). (*Indian Ocean Newsletter* 13 Feb. 1993) Toward the end of 1995, a growing sense of Tanganyikan nationalism was taking hold and there was an increase of separatist sentiment on the mainland. DP leader, Rev. Mtikila, one of the most extreme advocates of separatism, launched verbal attacks against Islam, the religion adhered to by the majority of Zanzibaris. (Inter Press Service 20 Oct. 1995)

Government treatment of DP members and members of opposition political parties

Freedom of association is a civil right that is limited in practice, despite Constitutional protection for such activity. Opposition political party members do openly criticize the Government in public forums, although persons using "abusive language" against the country's leadership may be subject to arrest. The Government has used this provision to detain some opposition figures. (*Country Reports 1997, 1998*, 348, 349)

The government has refused to legalize the DP because it has failed to present

the requisite number of party members from Zanzibar as required by law. (AFP 18 Oct. 1993) DP leader, Rev. Mtikila, was able to publicize his political views through his church and through lawsuits he has filed against the Government, despite his party's lack of government recognition (Country Reports 1997 1998, 350)

Political parties must provide 48 hours' advance notice if they intend to hold a rally. Police have authority to deny permission to political parties to hold rallies on the grounds of public safety and security if the organization or political party is unregistered. In September 1996 a march organized by an opposition party canceled its rally due to government intimidation. Opposition parties on Zanzibar are unable to hold rallies. Police continue to break up meetings held by persons opposed to the Zanzibar government. (Country Reports 1997 1998, 349)

Elections held 6 times during 1997 on the mainland were marred by violence. In late 1996, after government party losses in the by-election, new directives were issued limiting political activity and fund raising on the grounds of maintaining order. There are no restrictions on the participation of women in politics and government, but in practice few women are politically active. (Country Reports 1997 1998, 349, 351)

The ruling CCM party maintains local cells of unpaid party officials who have the authority to resolve grassroots problems and to report suspicious behavior and noncompliance with compulsory night patrols. Since 1993, the role of the cells has decreased. Tanzanian President Mkapa has also publicly suggested that government officials could lose their job for supporting the opposition. (Country Reports 1997 1998, 348, 349)

Tanzanian law enforcement and the Sungusungu

The Tanzanian police have primary responsibility for maintaining law and order. They are reported to regularly commit human rights abuses. Although the use of torture and inhuman and degrading treatment is prohibited by the Constitution, police are reported to routinely threaten, mistreat, and occasionally beat suspected criminals. These same means are reportedly used to obtain information about suspects from family members. While the Government condemns these practices officially, they seldom prosecute police for such abuses. In June of 1997 the police in Arusha were charged with torturing 10 women detainees. Violence against women in Tanzania is widespread. (Country Reports 1997 1998, 345, 352)

Arbitrary arrest and detention by the police are also problems, even though the Criminal Procedure code, amended in 1985, requires that a person arrested for a crime, other than a national security charge, under the Preventive Detention Act, be charged by a magistrate within 24 hours. Arbitrary arrests continue to occur, although less frequently than in the past. Under the Preventive Detention Act, the President may order the arrest and indefinite detention without bail of any person considered a danger to public order or national security. This law and other regional and local laws permit regional and district commissioners to arrest and detain for 48 hours any person who disturbs "public tranquility." The Preventive Detention Act was not used in 1997, however, police in Zanzibar and Pemba have regularly arrested, detained, and harassed members and suspected supporters from the opposition party, Civic United Front (CUF). In September 1997, police detained a prominent opposition politician for 6 days before releasing her. (Country Reports 1997 1998, 347)

The police are supported in their law enforcement efforts by citizens' anticrime patrols known as the Sungusungu (also referred to as Sungu Sungu). The People's Militia Laws give the Sungusungu quasilegal status. In the past, the

Sungusungu were criticized for using excessive force with criminal suspects. They have been involved in patrolling Tanzania's border (The Daily Telegraph London 12 Apr. 1995), in village disciplinary decisions (Richmond Times-Dispatch 15 June 1997), arms collection (BBC 20 Oct. 1990), maintenance of security of people and property (BBC 6 June 1984), and deterring racketeers, prostitutes and loiterers (BBC 31 Oct. 1983). Participation in the Sungusungu was compulsory prior to the 1995 election. Although the Sungusungu have been mostly inactive since 1995, they are still in existence, and in July of 1997 the Tanzanian President called on law enforcement officials to work cooperatively with the Sungusungu. (Country Reports 1997 1998, 345, 346)

Incidents involving the Democratic Party (DP)

In February 1992, DP leader, Rev. Mtikila was detained for distributing leaflets insulting President Mwinyi and the government over the handling of student unrest in 1990 at the University of Dar es Salaam. (Reuters 21 Feb. 1992) In January 1993, Rev. Mtikila and 4 DP supporters were arrested on charges of sedition, illegal assembly, and inciting violence, after cars belonging to Asians were stoned by DP supporters following a rally in which Rev. Mtikila accused the government of allowing Asians to plunder the country's wealth. Although Rev. Mtikila and his supporters were released on bail, they were required to surrender their passports and stay in Dar es Salaam under "preventive" detention. (AFP 1 Feb. & 8 Feb. 1993) In September of 1993, DP leader, Rev. Mtikila, was arrested for making volatile statements to President Mwinyi. (AFP 15 Sept. 1993) In October 1993 Rev. Mtikila and 3 DP members were arrested for holding an unlawful assembly. (BBC 26 Oct. 1993)

In October 1994 a judge ruled in favor of a petition filed by Rev. Mtikila and determined that the law demanding licensing of political rallies violated the people's right of association, that independent candidates can contest the first multi-party elections, and that state-run radio must give equal air time to all legalized parties. (AFP 25 Oct. 1994) In February 1995 the government refuted involvement in plans to assassinate Rev. Mtikila upon his return from abroad. (Xinhua 4 Feb. 1995) In March 1995, there was suspicion that Tanzania's former Minister of Labor and Youth had linked with the DP and Rev. Mtikila after the Minister's resignation on the grounds that the CCM is a "party of crooks" that is not representative of Tanzanians. (Indian Ocean Newsletter 18 Mar 1995) In May 1995, a panel of judges rejected Rev. Mtikila's request to bar Zanzibaris from presidential appointments. (BBC 29 May 1995)

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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