

TANZANIA: Restrictions on freedom of religion or belief

I. The issues

Tanzania is a secular state with administrative laws governing relations between religion groups. While freedom of religion or belief is guaranteed by Article 19 of the current constitution, strict application of public order rules prevents the profession of religion in a manner that stirs hostility between faiths. Public preaching by religious communities is strictly monitored, and overt criticism of either faith can result in criminal penalties. However, the Christian community complains of the uneven application of public order laws. Article 31.1 in a draft new constitution upholds freedom of expression, faith and free will in matters of religion, including the right to change religion or remain secular, but also stresses the importance of avoiding defamation and offence.

Societal discrimination based on religious affiliation is increasingly being reported from predominantly Muslim areas of mainland Tanzania and the semi-autonomous Zanzibar archipelago, which is 98% Muslim. Uamsho ('Awakening'), a separatist religious movement founded in 2001, has benefited from local dissatisfaction with the terms of political union, and campaigned for Zanzibari independence during the last elections. This elicited a still unfulfilled promise from President Kikwete of a change in the constitution and the introduction of measures in keeping with shari'a law. The group and its supporters are alleged to be behind an increase in violence targeting local Christians.

1.1 Religion-related discrimination in Zanzibar

In the Zanzibar Archipelago, an extreme interpretation of the religion of the majority community takes precedence over civil law and constitutional provisions. The Christian community, which constitutes around 2% of Zanzibar's population, experiences repression, discrimination and violence. Christians struggle to access employment in government sectors; anyone with a non-Muslim name applying for work in the army or other government services is removed from the list of candidates; non-Muslim female students attending public schools are obliged to wear headscarves; Islam and Arabic are compulsory subjects in the curriculum, and refuse is regularly deposited in the Christian graveyard on Unguja Island. During Ramadan 2013, Christians were obliged to fast following an official announcement that anyone found eating outside the prescribed hours would be jailed until Ramadan 2014. Christian leaders find it difficult to rent accommodation, and Christian Solidarity Worldwide (CSW) has received credible evidence of Christians experiencing difficulties in receiving appropriate medical treatment, and in two cases, of receiving treatment that further endangered their health, necessitating evacuation to medical facilities on the mainland.

In what is an extra-legal practice, the erection of a church building is dependent on permission from the local community, which is rarely if ever given. Many churches, including several that have obtained all necessary permissions, are embroiled in endless court cases, with hearings repeatedly postponed. This seems to be an attempt to deplete meagre resources through the indefinite retention of lawyers from the mainland, since local practitioners refuse to take on such cases due to partisanship or fear.

1.2 Religion-related violence in Zanzibar

Stones are often hurled at churches during services and faeces left in the grounds or buildings. In addition, churches regularly suffer arson attacks or are demolished in mob action. At least 20 have been looted, then burnt or demolished, allegedly by Uamsho supporters who often attack during services, assaulting all present. Perpetrators are never brought to trial even when identified or caught in the act, with police investigations generally being extended indefinitely.

The Christian minority is extremely vulnerable. Of particular concern are regular threats issued via text message or leaflets naming Christian leaders targeted for assassination. In August Father Anselm Mwang'amba, an elderly Catholic priest, received a call from an unknown number while inside an internet café in the historic Stone Town area of the Zanzibar capital. He was doused with acid as he exited to answer his telephone, and was left with severe burns to the face, neck, chest and hands.

The attack on Father Mwang'amba was the latest in a series of increasingly frequent assaults on churches and church leaders. In September 2012, Catholic priest Father Ambrose Mkenda was shot and injured by unknown assailants. In February 2013, a Protestant pastor, Mathew Kachira, and a Catholic priest, Father Evarist Mushi, were shot dead on 10 and 21 February respectively. No one has been apprehended for these murders. Neither have local authorities taken measures to ensure the safety of key leaders, several of whom received threatening text messages from a group calling itself 'Muslim Renewal' which claimed responsibility for the murders, adding that the killers were "trained in Somalia" and promising "disaster" during the 2013 Easter season. During a subsequent CSW visit, several leaders reported continuing threats naming specific church leaders targeted for assassination. The threats come via text messages or in leaflets left around the town; they are received verbally from strangers while the leaders are out in public; and on two occasions, a leader narrowly escaped an ambush. So far the Zanzibari authorities have failed to offer protection to pastors who have been threatened in this manner.

The acid attack phenomenon began in 2008 with a still-unsolved assault on Mr Saed Kubenea, editor of the *Mwanahalisi* newspaper, and has been increasingly used on business, political and religious targets. According to local reports, in the last two years there have been at least four other attacks on clerics and politicians, both in Zanzibar and the mainland, that the security services have failed to address adequately.¹ In November 2012, the secretary to the Chief Mufti of Zanzibar, Sheikh Fadhil Suleiman Seroga, was sprayed with acid. Businessman Ally Ibrahimu Farhat was attacked in a similar manner in 2012. Weeks before the attack on Father Mwang'amba, two British teenagers working at the St Monica nursery school, linked to the Anglican Church, were severely injured when two men threw acid on them, and were subsequently flown home for treatment. A month earlier, the owner of a large homeware retailer, the Home Shopping Centre, Mr Said Mohammed Saad, was splashed with acid and had to be flown to South Africa for treatment.

The glare of international publicity that followed the attack on the British teenagers appeared to galvanise the Tanzanian authorities into action and also shed light on the activities of Uamsho, which in the preceding weeks had distributed anti-Christian leaflets telling Muslims to prepare for "a call" to action. One of Uamsho's key supporters, the Muslim cleric Sheikh Ponda Issa Ponda, had spent two weeks in Zanzibar prior to the attack issuing inciting sectarian statements, with no official intervention. He was eventually arrested in Dar es Salaam after a brief period on the run. In October 2013, Tanzanian police also announced the arrests of 93 suspects, including two in connection to the attack on Mr Said Mohammed Saad and Mr Ally Ibrahimu Farhat.²

1.3 Discrimination and religion-related violence in mainland Tanzania

On the Tanzanian mainland where Christians and followers of traditional beliefs constitute a majority, there are also reports of increasing discrimination, of a rise in religion-related violence and of a lack of justice in the aftermath of such violence.

Christians on the mainland complain of an uneven application of public order stipulations designed to maintain religious harmony, including discrimination in the granting of permits for houses of worship,

¹ Citizen, Concern over 'helpless police' amid increasing acid attacks', 14 August 2013 <http://www.thecitizen.co.tz/News/Police-taken-to-task-over-acid-attacks/-/1840392/1948602/-/uwawe6z/-/index.html>

² Daily News, 'Acid attack suspects arrested in City', 20 October 2013 <http://dailynews.co.tz/index.php/local-news/23620-acid-attack-suspects-arrested-in-city>

public meetings and new media outlets. More worrying, however, is a seeming rise in religious violence, and an allegedly inadequate response from the authorities.

In 2012 the city of Dar es Salaam was rocked by the worst religious riots in years following the alleged defiling of a Qur'an by a primary school student. Four churches were attacked and burned to the ground. On that occasion Sheikh Issa Ponda was arrested for inciting violence.

However, the family of a Pentecostal pastor beheaded in March 2013, when violence erupted in Buseresere Town in the Geita Region, is still awaiting justice. Pastor Mathayo Kachili of the Tanzania Assemblies of God (TAG) Church was murdered as he sought to intervene to end violence that had erupted after the local Muslim community objected to the opening of a Christian-owned butcher.

Three people were killed and more than 60 injured when the church service inaugurating a new Catholic cathedral in Arusha, Tanzania, was bombed on Sunday 5 May. The cathedral, which is located in the Olasti district on the outskirts of Arusha, was packed with worshippers at the time of the attack, with the congregation spilling over into the cathedral grounds, when the bomb was thrown into the crowd from a motorcycle. The Papal Nuncio, Archbishop Francisco Montecillo Padilla, and Josaphat Louis Lebulu, the Archbishop of Arusha, were present during the attack, but were unharmed. Nine people, including three nationals from the United Arab Emirates (UAE), one from Saudi Arabia and five Tanzanians, were arrested in connection with the bombing. However, all have now been released except the Tanzanian citizens.

On 2 June 2013 Muslim assailants broke into the home of Pastor Robert Ngai in Geita Town, attacking him with machetes and causing multiple injuries to his head, arms and hands. Two nights earlier, assailants had gone to the home of Pastor Daudi Nzumbi, leader of Geita's Free Pentecostal Church of Tanzania, but were reportedly scared off by barking guard dogs. At around 1am on 22 October 2013, machete-wielding assailants attacked an all-night meeting at Gilgal Christian Worship Centre in Ilemela District, Mwanza Province, killing 35-year-old youth leader Elias Lunyamila Meshack and injuring several others, one of whom remains in a critical condition.

On 21 October Tanzania's High Court released 52 supporters of Sheikh Ponda Issa Ponda following an appeal. In March they had been convicted of three counts of conspiracy, unlawful assembly and rioting, and ordered to serve three one-year jail sentences concurrently. The conspiracy charge was dismissed, while the charges of unlawful assembly and rioting were upheld.

1.4 Looming threat of terrorism

The Tanzanian president described the bombing of Arusha's new Roman Catholic cathedral as "an act of terrorism", and there is evidence that the Somali Islamist group al-Shabaab has been actively seeking to create loosely affiliated networks in Kenya, Tanzania and Uganda, using its connections and social media. Moreover, investigations by the United Nations Monitoring Group on Eritrea and Somalia uncovered the fact that al-Shabaab has developed extensive funding, recruiting and training networks in Kenya, centring on the Muslim Youth Center (MYC), now known as al-Hijra, and the Pumwani Riyadhha Mosque Committee, although the latter denies this publicly. Among other things al-Hijra was reported to be strengthening its links with the Tanzania-based Ansar Muslim Youth Centre, and with al-Shabaab affiliates in Rwanda and Burundi.³

The arrest in early October of 11 al-Shabaab suspects who were undergoing military training in Tanzania's Mtwara region, provided a fresh indication of the group's determination to advance its influence and aims by exploiting local grievances. According to veteran journalist and owner of G&S Media Consultants Gideon Shoo, as well as targeting Zanzibar, al-Shabaab is specifically focusing on Mtwara. The Muslim majority area is one of the least developed parts of the country, and in May a

³ Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011)
http://www.somaliareport.com/downloads/UN_REPORT_2012.pdf

protest by the local community against the construction of a gas pipeline to Dar es Salaam turned violent.⁴ “It is no secret that al-Shabaab is planning to use the discontent in those two areas as an entry point into Tanzania.”⁵

The 11 suspects, who were aged between 18 and 39, were found with firearms, machetes and 25 DVDs. One DVD, entitled *Zinduka Zanzibar* (*Wake up Zanzibar*), allegedly provides training on how to kill effectively and train militia. The other DVDs were reported to be al-Shabaab training manuals. “Al Shabaab and al Qaeda are now using Zanzibar as a stepping stone. Their target is the whole country of Tanzania and the African continent at large. This is the biggest threat ever. Training on our land proves they are here.”⁶

In mid October 2013, police announced they had arrested two more suspects in connection with the Mtwara incident.⁷

2. Conclusion and recommendations

Threats and attacks targeting church leaders and church buildings are in violation of the Tanzanian constitution, which provides for freedom of religion or belief. If left unchecked, religious violence will ultimately undermine national cohesion. Worse still, it will lead to the entrenchment of religion-related terrorism. This phenomenon thrives where there is impunity, and impunity flourishes where the rule of law is not being enforced. Consequently:

- The Tanzanian authorities must move decisively to tackle rising extremism and prevent the entrenchment of impunity in any part of the country. It is vital that all incidents of religious violence and incitement to violence are swiftly and thoroughly addressed, and planners and perpetrators are prosecuted regardless of religion or social standing;
- It is vital that the Government of Zanzibar in particular moves to address ongoing attacks on the local Christian community, offers protection to all who are under threat, adequately compensates churches that have been looted or demolished, and ensures that inciters and perpetrators of religion-related violence are prosecuted to the fullest extent of the law;
- The Tanzanian Government must be proactive in upholding, and if necessary enforcing, the supremacy of the national constitution. Moreover, given calls for shari'a law by Muslims on the mainland, Tanzania must be urged to ensure that the new constitution respects the nation's obligations under the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR) to guarantee freedom of religion or belief for all, including the right to change religion or belief, being mindful that this is a fundamental, non-derogable right, not one afforded as and when the state wills;
- Given the real and rising threat of Islamic extremism, both national and religious leaders and authorities must be proactive in countering purveyors of sectarian hate speech and defamatory rhetoric, and in intervening to restore religious harmony if it is threatened;
- The international community must be proactive in both encouraging and assisting nations such as Tanzania to tackle extremism effectively.

⁴ Sabahi Online, 'Protests over gas pipeline in Mtwara turn violent, military deployed', 23 May 2013

http://sabahionline.com/en_GB/articles/hoa/articles/features/2013/05/23/feature-02

⁵ Sabahi Online, 'Al-Shabaab presence in Mtwara raises security alarm in Tanzania', 17 October 2013

http://sabahionline.com/en_GB/articles/hoa/articles/features/2013/10/17/feature-01

⁶ ibid.

⁷ All Africa, 'Somalia: Two More Arrested in Connection to Al-Shabaab Military Training in Mtwara', 18 October 2013 <http://allafrica.com/stories/201310210337.html>