

**Mandates of the Independent Expert on the enjoyment of human rights by persons with albinism;
the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on
extrajudicial, summary or arbitrary executions**

Ref.: AL TZA 1/2023
(Please use this reference in your reply)

17 February 2023

Excellency,

We have the honour to address you in our capacities as Independent Expert on the enjoyment of human rights by persons with albinism; Special Rapporteur on the rights of persons with disabilities and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 46/12, 44/10 and 44/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the attack, mutilation and subsequent death of Mr. Joseph Mathias Dida, a 50-year-old man with albinism in Kwimba district, Mwanza region.**

According to the information received:

On 2 November 2022, Mr. Joseph Mathias Dida, a 50-year-old man with albinism, was attacked at his home in Kwimba district, where he lived with his wife and two children. He was woken up around 10 p.m. by voices calling out his name from outside his house. When he opened the door, five unidentified men attacked him. They cut off his right arm and then left, leaving Mr. Mathias Dida bleeding profusely outside his house, where his wife found him. His children and their neighbors were also witness of the attack.

He was taken to the Kolomije Health Center at Kwimba District on 3 November at 8 a.m. approximately, but Mr. Mathias Dida had already died from blood loss caused by the amputation.

The attack against Mr. Joseph Mathias Dida was reported to police authorities in Mwanza Regional Police Office. On 6 November, five suspects were arrested in Mwanza, in connection with the attack against Mr. Joseph Mathias Dida. They were found in possession of an arm of a person with albinism, and they were reportedly looking for a witchdoctor to sell the arm to. Suspected perpetrators were charged with murder and the case is currently being investigated.

Mr. Mathias Dida was buried on 4 November; however, concerns have been raised over the risk of robbery of his grave.

Without prejudging the accuracy of the information received, grave concern is expressed over the attack, mutilation and killing of Mr. Joseph Mathias Dida. While we commend efforts already brought forward by your Excellency's Government in taking action against perpetrators, serious concerns are expressed about the information received regarding the attack, and the subsequent attempted trafficking of a body part, as these acts appear to have had the purpose of selling a body part to be

used for witchcraft or ritual purposes. In this context, further concerns are expressed about the protection of the right to life and the physical and mental integrity of persons with albinism in Tanzania, who are at risk of attacks resulting in death and mutilation, as well as in the trafficking of body parts.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Provide detailed information on, and where available the results of, investigations, medical and other forensic examinations, and judicial or other inquiries carried out in relation to the information above. Please explain whether such investigations have been undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death.
3. Provide the full details of measures put in place by your Excellency's Government to effectively protect the right to life and the physical and mental integrity and the security of persons with albinism.
4. Provide information on comprehensive strategies adopted by the national authorities to prevent abduction, killing and dismembering of persons with albinism, including awareness raising campaigns and education programs, training of professionals dealing with survivors and potential victims.
5. Please provide information on initiatives to foster international cooperation in the framework of the trafficking of body parts of persons with albinism.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Muluka-Anne Miti-Drummond
Independent Expert on the enjoyment of human rights by persons with albinism

Gerard Quinn
Special Rapporteur on the rights of persons with disabilities

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I wish to draw your Excellency's Government's attention to articles 3 of the Universal Declaration of Human Rights and 6(1) of the International Covenant on Civil and Political Rights, to which Tanzania acceded on 22 June 1976, which guarantee the right of every individual to life and security and no to be arbitrarily deprived of his life.

Article 26 of the International Covenant on Civil and Political Rights stresses that "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law". Additionally in its general comment n° 31, the Human Rights Committee has observed that there is a positive obligation on States Parties to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities. States Parties permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by private persons or entities could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

General comment 36 on the right to life further states that the duty to protect the right to life requires States parties to take special measures of protection towards persons in situation of vulnerability whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence. This includes persons with albinism, among other vulnerable groups. States parties must respond urgently and effectively in order to protect individuals who find themselves under a specific threat, by adopting special measures such as the assignment of around-the-clock police protection, the issuance of protection and restraining orders against potential aggressors and, in exceptional cases, and only with the free and informed consent of the threatened individual, protective custody.

States parties must enact a protective legal framework which includes effective criminal prohibitions on all manifestations of violence or incitement to violence that are likely to result in a deprivation of life, including, inter alia, ritual killings and death threats. The criminal sanctions attached to these crimes must be commensurate with their gravity, while remaining compatible with all provisions of the Covenant. General comment 36 further reminds States that the duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. States parties should also develop strategic plans for advancing the enjoyment of the right to life, which comprise measures to fight the stigmatization associated with disabilities and diseases, including {...} harmful practices.

Furthermore, according to principle 9 of the Principles of the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, there is an obligation to conduct thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death. The Minnesota Protocol on the Investigation of Potentially Unlawful Death which in 2016

updated the original UN Manual on the Effective Prevention of Extra-legal, Arbitrary and Summary Executions of 1991; and the UN Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989), states that an investigation must be a) prompt; b) effective and thorough; c) independent and impartial; and d) transparent.

We would also like to draw your attention to the provisions of the Convention on the Rights of Persons with Disabilities, ratified by Tanzania on 10 November 2009, and in particular on articles 10, 13 and 16. Article 10 reaffirms “that every human being has the inherent right to life” and requires State Parties to “take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others”. Article 16 paragraph 1 of the Convention requires State Parties to “protect persons with disabilities (...) from all forms of exploitation, violence and abuse, including their gender-based aspects”. In addition, paragraph 4 stresses that “States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services.” Article 13 of the Convention requires State Parties to “ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages”.

Finally, we would like to refer resolution 47/8 of the Human Rights Council, concerning the elimination of harmful practices related to accusations of witchcraft and ritual attacks. In such, the Council recognized that such practices have resulted in various forms of violence, such as killings, mutilation, burning, coercion in trafficking of persons, torture and other cruel, inhuman or degrading treatment and stigmatization, particularly for persons in vulnerable situations, including women, children, persons with disabilities, older persons and persons with albinism. In resolution 47/8, the Council not only urged States to condemn harmful practices related to accusations of witchcraft and ritual attacks, but also urged them to take all necessary measures to eliminate such practices and ensure accountability and the effective protection of all affected persons, particularly those in vulnerable situations.