

**Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on violence against women and girls, its causes and consequences**

Ref.: AL TZA 1/2025  
(Please use this reference in your reply)

10 June 2025

Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 54/14, 52/9, 52/4 and 50/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arbitrary deprivation of liberty, followed by enforced disappearance and torture of **Ms. Agather Atuhaire and Mr. Boniface Mwangi, which are reported to be part of a broader pattern of repression against human rights defenders, journalists, youth and opposition leaders, in the context of the campaigning period ahead of the presidential elections in Tanzania scheduled for October 2025.**

Mr. Boniface Mwangi is a Kenyan national, a photojournalist, human rights defender and founder of Pawa 254, a civil society organization based in Nairobi, Kenya, which promotes active civic participation, human rights, livelihood improvement, and employment development for Kenyan youth.

Ms. Agather Atuhaire is a Ugandan national, journalist and lawyer involved in exposing corruption and maladministration. Ms. Atuhaire was also awarded the EU Human Rights Defender Award in 2022.

According to the information received:

On 19 May 2025, Mr. Boniface Mwangi and Ms. Agather Atuhaire were arrested from their hotel in Dar es Salaam by police officers and taken to the Central Police Station in Dar es Salam. Their arrest was connected to their role as trial observers in the ongoing judicial proceeding against Mr. Tindu Antiphias Mughwai Lissu, chairperson of CHADEMA, the national opposition political party, commenced at the Kisutu Resident Magistrate's Court. The court proceedings were reportedly the first time that the opposition leader appeared in court after he refused to show up for online hearings. Mr. Lissu, who was arrested in April 2025, charged with treason and publishing false information, is facing the death penalty if convicted.

Reportedly, several human rights defenders from Tanzania and the region attended the hearing to show support to the opposition leader and observe the

proceedings. Allegedly, six other trial observers from Kenya attempted to travel to Tanzania, but were denied entry.

On 20 May 2025, the Law Society of Tanzania announced that, based on information received, both Mr. Mwangi and Ms. Atuhaire were released and deported with an official escort from the Department of Immigration. This information was reportedly false as the fate and whereabouts of Mr. Mwangi and Ms. Atuhaire remained concealed for a few more days, with no access to lawyers, medical care or anyone with a legitimate interest able to obtain information.

On 22 May 2025, Mr. Mwangi was reportedly dropped by a vehicle and left in Ukunda, a Kenyan coastal town. He was found injured, reportedly with visible signs of torture and unable to walk without assistance. He was subsequently hospitalized.

On 23 May 2025, Ms. Atuhaire was dropped by a vehicle and left at the Tanzanian-Uganda border area, also injured and with reportedly visible signs of torture.

Both Mr. Mwangi and Ms. Atuhaire reported in their accounts that, after being detained by the Tanzanian police, they were subject to ill-treatment and torture, while blindfolded and chained. Ms. Atuhaire was also reportedly sexually assaulted.

According to information received, these allegations are the latest in an ongoing pattern of enforced disappearances, arbitrary arrests, harassment and torture of youth leaders, human rights defenders and members of the political opposition party, as well as some journalists and lawyers. Reportedly, since 2019, there have been more than 200 enforced disappearances in the country.

While we do not wish to prejudge the accuracy of these allegations, we are alarmed by the reported arbitrary detention, followed by the alleged enforced disappearance and torture of the abovementioned journalists, human rights defenders and artist. We would like to stress that the failure to acknowledge deprivation of liberty by State agents and refusal to acknowledge detention constitute an enforced disappearance, regardless of the duration. If confirmed, these allegations could represent violations of the International Covenant on Political and Civil Rights (ICCPR), acceded to by the United Republic of Tanzania on 11 June 1976, in particular of articles 6, 7, 9, 10, 16, 19, and 22 read alone and in conjunction with article 2(3) with regards to the disappeared and article 7, read alone and in conjunction with article 2(3) for the relatives. These articles guarantee the equal right of men and women to the enjoyment of all civil and political rights, state protection without discrimination, right to life, the prohibition of torture or other cruel, inhuman or degrading treatment or punishment, freedom from arbitrary arrest and detention, inherent dignity of the human persons, right to liberty and security of person, right to recognition as a person before the law, rights to freedom of opinion and expression, and the right to freedom of association, respectively. We would like to remind your Excellency's Government that the prohibition of enforced disappearances and the corresponding obligation to investigate them have attained the status of *jus cogens*. We equally recall the absolute

and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of *jus cogens*, and as reflected inter alia, in Human Rights Council resolution 25/13 and General Assembly resolution 68/156.

We are also gravely concerned at the reported sexual assault of Ms. Atuhaire while in police custody. We would like to recall the Special Rapporteur on Torture's report to the Human Rights Council, which stresses that, "rape and other serious acts of sexual violence by officials in contexts of detention or control not only amount to torture or ill-treatment, but also constitute a particular egregious form of it, due to the stigmatization they carry" (A/HRC/7/3, para. 69). We would also like to draw the attention of your Excellency's Government to article 4(b) of the United Nations Declaration on the Elimination of Violence against Women, that the United Republic of Tanzania is signed on 17 July 1980 and ratified on 20 August 1985, which stipulates that States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should refrain from engaging in violence against women. Furthermore, article 4(c) and article 4(d) notes the responsibility of states to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. We would further like to recall the report of the Special Rapporteur on Violence against Women and Girls to the Human Rights Council, in which she recommended that States consider, as aggravating circumstances in sentencing for rape, situations where the perpetrator abused a position of power or authority, the victim was or was rendered vulnerable, or the act was committed repeatedly, violently, or with the use or threat of a weapon (A/HRC/47/26, para. 90). The report also highlights that the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), which obliges States parties to enact legislation criminalizing violence against women. In particular, article 4(2) requires States to prohibit all forms of violence against women, including unwanted or forced sex, whether occurring in private or public (A/HRC/47/26, para. 26).

We also express serious concern that attacks against a person because of the exercise of his or her freedom of opinion or expression, including such forms of attack as harassment, arbitrary arrest and ill-treatment are incompatible with article 19 of the ICCPR. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including, "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11). Furthermore, the Committee emphasized that States have a duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and human rights defenders are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stressed that, "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

We would like to draw the attention of your Excellency's Government to the specific threats and intersectional discrimination faced by women journalists. As

highlighted in the report of the former Special Rapporteur on Violence against Women and Girls, “women journalists are disproportionately targeted by gender-based violence and sexual harassment, both within the workplace and online” (A/HRC/44/52, para. 17). Furthermore, the report stresses that “in addition to killings, sexual violence, including sexual assault and rape, and in particular the threat of rape, continue to be used as a form of gender-based violence and as a tool to undermine the credibility of women journalists and discourage them from working in the media” (A/HRC/44/52, para. 24).

We also recall the UN Declaration on Human Rights Defenders (Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, A/RES/53/144), in particular article 12.2, which states that, ‘the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration’.

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. Please provide information on the factual and legal grounds for the arrest and detention of human right defenders Ms. Agather Atuhaire and Mr. Boniface Mwangi. Please explain how these measures are compatible with international standards related to the right to liberty and security of the person, enshrined in article 9 of the ICCPR, and the rights to freedom of opinion and expression, enshrined in article 19 ICCPR.
3. Please provide information on the measures taken by your Excellency’s Government to carry out an inquiry or investigation into the abovementioned allegations regarding enforced disappearance, torture and sexual assault. If no inquiry has taken place, please explain why. Please indicate the measures taken to ensure this investigation is prompt, impartial and exhaustive and guarantee accountability and reparations for the victims, if found substantiated.
4. Please indicate what measures have been taken to ensure that journalists and human rights defenders in Tanzania are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any kind.

5. Please indicate in detail which decisive and effective measures the Government of Tanzania has taken, or intends to take, with a view to terminate the continued pattern of targeting human rights defenders and journalists, including those working in the context of elections, with arbitrary arrest and detention, enforced disappearance, torture and ill-treatment to compensate the victims and their families, and to put an end to impunity in this regard. If no such measures have been conducted or are foreseen, please explain why.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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 prevent any irreparable harm to the life and personal integrity of the persons mentioned in the communication, to halt the alleged violations, and to 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Please be informed that a copy of this letter has also been sent to the Republic of Kenya and the Republic of Uganda.

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

Gabriella Citroni

Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would first like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), to which the United Republic of Tanzania acceded to on 11 June 1976. In particular, articles 6, 7, 9, 10, 16, 19, and 22 read alone and in conjunction with article 2(3) with regards to the disappeared and article 7, read alone and in conjunction with article 2(3) for the relatives.

We wish to recall article 6 of the ICCPR which provides that every individual has the right to life and that no person shall be arbitrarily deprived of his or her life. In general comment No. 6, the Human Rights Committee reiterated that the right to life is the supreme right from which no derogation is permitted. Moreover, in general comment No. 31 the Committee has observed that there is a positive obligation on States Parties to ensure the protection of Covenant rights of individuals against violations by their own security forces. We further highlight that enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life and that states are required to conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance and introduce prompt and effective procedures to investigate cases of disappearances thoroughly, by independent and impartial bodies (Human Rights Committee, general comment No. 36).

When the State detains an individual, it is held to a heightened level of diligence in protecting that individual's rights. We would therefore like to draw your attention to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly on 9 December 1988, in which principle 1 provides that all persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person. We would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of jus cogens, and as reflected inter alia, in Human Rights Council resolution 25/13 and General Assembly resolution 68/156. In this context, we would also like to draw the attention of your Excellency's Government to paragraph 1 of General Assembly resolution 68/156, which, "[c]ondemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment". We also draw your Excellency's Government's attention to paragraph 7b of Human Rights Council resolution 16/23, which urges States "(t)o take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment investigated promptly, effectively and impartially by an independent, competent domestic authority, as well as whenever there is reasonable ground to believe that such an act has been committed; to hold persons who encourage, order, tolerate or perpetrate such acts responsible, to have them brought to justice and punished in a manner commensurate with the gravity of the offence, including the officials in charge of the place of detention

where the prohibited act is found to have been committed; and to take note, in this respect, of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the updated set of principles for the protection of human rights through action to combat impunity as a useful tool in efforts to prevent and combat torture.”

We would further draw your Excellency’s Government’s attention to the absolute and non-derogable prohibition of enforced disappearances, which has attained the status of *jus cogens*. We also refer to the United Nations Declaration on the Protection of All Persons from Enforced Disappearance and, in particular, article 2 which indicates that no State shall practice, permit or tolerate enforced disappearances. In addition, the Declaration stipulates the right to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention to challenge the legality of the detention (article 10). The same article of the Declaration establishes the obligation of the detaining authorities to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest (article 10). The Declaration also establishes the obligation to maintain in every place of detention an official up-to-date register of detained persons (article 12) and provides that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7). In its article 13.3, the Declaration also proclaims that steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.

We wish to reiterate the joint statement of the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances on so-called “short-term” enforced disappearances, which affirms that duration is not a constitutive element of enforced disappearance under international human rights law, therefore regardless of the duration of an enforced disappearance, it produces serious harm and consequences for the disappeared and their families, and also presents practical challenges as regards seeking protection as well as defence of their rights.

We also wish to underscore the chilling effect of the disappearance of journalists and human rights defenders, as well as highlight the additional vulnerability faced by women in cases of enforced disappearance. As such we make reference to the Working Group’s study on enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5), which provides that States are obligated to, “ensur[e] the existence of and respect for cultural diversity and the existence of space where multiple opinions, positions and interpretations of history can find their expression in the public sphere diminishes the level of vulnerability of those questioning in one way or another mainstream ideas and positions, and so prevents against targeting of human rights defender” (para. 49). Furthermore, the Working Group’s General Comment on women affected by enforced disappearances (A/HRC/WGEID/98/2) highlights that a gender perspective is crucial in explaining, understanding and dealing with unique disadvantages and obstacles that women face in the exercise of their human rights, and stresses that no gender-based violence, including enforced disappearances against women, can be justified and States should take effective measures to prevent such violations. In addition, the Working Group’s thematic study on enforced

disappearances and elections (A/HRC/57/54/Add.4) raises concern about the enforced disappearances of journalists, who among other actors have diverse roles in elections and warns that elections violence against them appear to aim at silencing dissent. In this regard, States are recommended to establish a solid legal framework for the prevention and punishment of enforced disappearances, including in the electoral context (para. 73).

We would further like to recall the conclusions of the former Special Rapporteur on Violence against Women and Girls regarding the situation of women journalists, as outlined in her report to the Human Rights Council (A/HRC/44/52), in which it emphasized that a gender-sensitive approach at both the international and national levels is essential to ensure the implementation of human rights instruments addressing discrimination against women and gender-based violence. Such an approach is necessary to create an enabling environment in which the empowerment and equal participation of women journalists are fully respected. In particular, the former Special Rapporteur underscored the obligation of States to integrate a gender perspective into all initiatives aimed at ensuring a safe and favourable environment for free and independent journalism. This includes prohibiting and criminalizing sexual harassment and other forms of gender-based violence—such as threats of rape and ICT-facilitated abuse, encouraging the reporting of such acts, removing statutes of limitation for prosecution, and providing reparations and compensation to victims. The Special Rapporteur further recommended that States adopt specific measures to protect the rights and safety of women journalists operating in contexts of armed conflict, elections, peaceful assemblies, and during crises such as climate change, natural disasters, and health pandemics, taking into account their heightened vulnerability and exposure (A/HRC/44/52, para. 93). Finally, in a subsequent report (A/HRC/47/26, para. 115), the Special Rapporteur recommended that States ensure access to comprehensive support services for victims of rape, including crisis centres, protection orders, interim relief, and reparations, in both peace and conflict settings, in line with international human rights standards.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who

engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant and these restrictions must be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, paras. 34 and 35). We would also like to refer your Excellency’s Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

As stressed by the Working Group on discrimination against women and girls in one of its thematic reports to the Human Rights Council (A/HRC/23/50), women human rights defenders are often the target of gender-specific violence, such as intimidation, attacks, and death threats, which are sometimes condoned or perpetrated by State actors. The Working Group has further called upon States to eliminate all forms of violence against women in order to fulfil women’s human rights and to facilitate women’s participation in political and public life.

Moreover, as the Working Group on discrimination against women and girls expressed in its report on girls’ and young women’s activism (A/HRC/50/25), girls and young women are mobilizing worldwide to demand and catalyse change on critical global issues. They are at the forefront of initiatives aimed at transforming societies towards social justice, gender equality and sustainability. The realization of girls’ and young women’s human right to participate in public and political life, including organizing and engaging actively with a variety of State and non-State actors, is essential for the protection of their human rights. The Working Group on discrimination against women and girls has called on States to ensure that mechanisms are in place to solicit the views of girls and young women in all matters of public interest affecting them directly or indirectly and to give due weight to those views.

We also refer your Excellency’s Government to the General Assembly resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played

by women human rights defenders; take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses; and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

Finally, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 point(a) and (b), which provides for the right of all persons to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms and freely to publish, impart or disseminate to others views on these matters;
- article 11 which provides that everyone has the right, individually or in association with others, to the lawful exercise of their profession;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.