



**EAST AFRICAN COURT OF JUSTICE
FIRST INSTANCE DIVISION**



Hearing (ex parte): 19th June 2019 from 9:30 am
(Open Court, 2nd floor, EAC Headquarters)

Application No. 2 of 2019 (Arising from Reference No. 3 of 2019) Freeman A. Mbowe & 4 Others vs The Attorney General of the United Republic of Tanzania

Application filed on: 27th May 2019.

Articles: 6(d), 7(2), 8(1) & 38(2) of the Treaty for the Establishment of the East African Community.

Rule: 21 of the EACJ Rules of Procedure, 2013.

Subject matter: Refraining order against the Respondent from applying and using certain provisions of the Political Parties (Amendment) Act 2019.

The Applicants are natural persons and citizens of the United Republic of Tanzania. The first Applicant is a member and party chair of *Chama cha Demokrasia na Maendeleo (CHADEMA)*, a political party registered in Tanzania. The second Applicant is a member and party leader of *Alliance for Change and Transparent-(WAZALENDO)*, a political party registered in Tanzania. The third Applicant is a member and party Chair of the *Chama cha Umma*, a political party registered in Tanzania. The fourth Applicant is a former first Vice President of the Revolutionary Government of Zanzibar and a member of the *Alliance for Change and Transparent (WAZALENDO)*, a political party registered in Tanzania. The fifth Applicant is Zanzibar Deputy Secretary General for *Chama cha Demokrasia na Maendeleo (CHADEMA)*.

The Applicants seek for Court orders refraining the Respondent from applying and using certain provisions of the Political Parties (Amendment) Act 2019, which are challenged in the main Reference, pending the hearing and determination of this Application inter-parties and pending hearing and determination of *Reference No. 3 of 2019*.

In the Reference out of which the Application arose, the Applicants are challenging the Political Parties (Amendments) Act No. 1 of 2019 in its current form for allegedly; placing unjustified restrictions on the freedom of association; being discriminative and restricting people's right to participate in public affairs; denying people's right to personal security and safety; and contravening the principles of democracy, rule of law, good governance and human rights which the United Republic of Tanzania (Respondent) has committed to abide by through the EAC Treaty, the International Covenant for Civil and Political Rights, the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights

It is the Applicants' case that, the urgency of this Application is borne out of the fact that, the Government of the United Republic of Tanzania through the office of the Registrar of Political Parties has started applying the use of the provisions of the Political Parties (Amendment) Act, 2019 which are complained of by the Applicants in *Reference No.3 of 2019*, a matter pending determination by the East African Court of Justice - First Instance Division.

The Applicants allege that, the application of the Act puts their individual rights at jeopardy and the political parties at the danger of being deregistered; its members (including the Applicant) being suspended from conducting political activities; its leaders (including the Applicants) being fined a sum of money equivalent to U.S Dollar 45,000/- or being imprisoned or both; being denied to form coalition at their choice of time and agenda; and rendering political party leaders without security and protection.

Further that, the application of the Act forces political parties to form policies which are contrary to political parties' ideologies and stands.

Moreover, the provisions enacted in the Act infringe the basic Constitutional rights enshrined in the Constitution of the United Republic of Tanzania, 1977 and well established principles of international law, the provisions of the Treaty Establishing the East African Community, the African Charter on Human and Peoples Rights, the International Covenant for Civil and Political Rights and several other international instruments.

It is the Applicants submission that, it is imperative and in the interest of justice that this Application be heard and determined expeditiously for the sake of the wellbeing of Tanzania democracy, rule of law and human rights.

The Respondent is the Attorney General of the Republic of Tanzania sued on behalf of the Government of Tanzania.

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