

Reference No. 27 of 2020 Pan African Lawyers and 4 Others v. The Attorney General of the United Republic of Tanzania.

Coming up for Delivery of Judgment: on the 27th day of March, 2026
Filed on: on the 17th day of August 2020
Under Articles: Under Articles 6(d), 7(2), 8(1) ©, 27(1), and 30(1) of the Treaty for the Establishment of the East African Community; Articles 2, 3 (1), 13 of the African Charter on Human and Peoples Rights;
Under Rules: 1 and 25 of the East African Court of Justice Rules of procedures, 2019,
Subject matter: The written law (Miscellaneous Amendment).

Summary:

This Reference was brought by the Applicants against the Respondent on the ground that the written law (Miscellaneous Amendments) Act, NO. 03 OF 2020 ("hereinafter "the impugned Act") was passed by the National Assembly of the Respondent was assented to by the President and was published in the official Gazzete.

The Applicants state that the impugned Act is itself a continuation of a trend of legislative and policy amendments, most of which are enacted under the Certificate of Urgency, that have severely constricted the space for citizens of Respondent to exercise their rights to information, opinion, expression, assembly or association, this include the removal of live coverage of parliamentary proceedings by the public and private media, the Electoral and Postal Communications (radio and Television Broadcasting Content) Regulations), political parties Amendment Acts, Written laws (Miscellaneous Amendment Act, the Electric and Postal Communications (sim card registration) Regulations, The Electronic and Postal Communications (On line Content) Regulations,.

The Reference concern a blatant violation of Articles 6(d), 7(2) and 8(1) (c) of the Treaty; Article 3(1), 7(1) and 13 of the African Charter on Human and Peoples` Rights and all other international instruments to which the Respondent is a party.

The violation committed by the Respondent against the Applicants are violations of the constitution and national laws of the Respondent`s that include Article 4 of the constitution on separation of powers and Article 13 of the constitution on equality before the laws,

Wherefore the Applicants prays for declaration and Orders against the respondents that;

The provision of sections 33, 35, 37, 39, 41, 45, 48 and 49 of the impugned Act violate the principles of rule of law, accountability, good governance and right to an effective remedy by barring suits against certain public officials as provided for under Articles of the EAC Treaty.

Applicants pray for declaration that the impugned Act violates Articles 3, 7 and 13 of the African Charter;

The Applicant also prays that the practice of enacting laws under certificate of urgency violates the provision of the Treaty.

And finally, an Order directing the Respondent with immediate effect to take all reasonable steps within the earliest time possible from delivery of judgment to repeal or amend the impugned Amendments to bring them in conformity with the fundamental and operational principles as codified in the EAC Treaty.

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