

**Reference No. 19 of 2019 Legal and Human Rights Center & Another V. The Attorney General of The United Republic of Tanzania**

**Coming up for hearing on:** 3rd April, 2023

**Reference filed on:** 15th October 2019

**Articles:** 6(d), 7(2), 8(1)(c) of the Treaty and 16 (1) and (5) of the Common Market Protocol.

**Rules:** 25 of the EACJ Rules of Procedure 2019

**Subject matter:** The legality of amendments to Acts.

The Applicants allege that The Written Laws (Miscellaneous amendment) (No. 3) Act, 2019 brought under certificate of urgency, enacted by the Parliament of the Respondent State on 27th June 2019 and assented to by the President of the United Republic of Tanzania on 30th June 2019 contravenes the provisions of the Treaty for the Establishment of East Africa Community. That the Act amended among others the Companies Act Cap 212, the Societies Act Cap 337, the Films and Stage plays Act Cap 230, the Non-Governmental Organizations Act Cap 56 and the Trustees Incorporation Act Cap 318

The Applicant further states that the Act unjustifiably restricts freedom of expression, freedom of association, fair trial, right to be heard and free movement of goods and services which is a cornerstone of the principle of democracy, rule of law, accountability, transparency, good governance and common market, acts and therefore is in violation of Articles 6(d), 7(2) and 8(1)(c) of the Treaty for the Establishment of the East African Community hereinafter “The Treaty”.

The Applicants, therefore pray for, a declaration Order that, the cited provisions of the challenged Act violate the cited provisions of the Treaty and the Protocol.

The Respondent, contends that the amendment to the Act is in compliance with the States obligation under the EAC Treaty and that prior to the impugned amendments, the registration, coordination and regulation of entities established under the stated law were a duplication of registration of charity activities and had overlapping mandates of entities in different registries which intensified challenges in terms of coordinating and regulating the said entities.

The Respondent states that, the amendments are in line with the recommendation of the Financial Action Task Force, an independent inter-governmental body that develops and promote policies to protect the global financial system against money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction.

The Respondent also stated that, as a member of Eastern and Southern African Anti money laundering group he has to comply with requirements under FATF stated above. He prays that the Reference be dismissed with costs.

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