



Independent observer
of the Global Fund

IN TANZANIA, 13 PEOPLE ATTENDING A MEETING ARE ARRESTED FOR ALLEGEDLY PROMOTING HOMOSEXUALITY; OPERATIONS OF A GLOBAL FUND SR ARE SUSPENDED

Editor's note: This is a "late breaking story," as they say. There will likely have been more developments by the time you read this.

In Tanzania, 13 people attending a meeting to discuss a pending lawsuit have been arrested, allegedly for "promoting homosexuality." The operations of Community Health Services and Advocacy (CHESA), a Global Fund sub-recipient and one of the conveners of the meeting, have been suspended "until further notice."

The other convener of the meeting, which was held on 17 October in Dar es Salaam, was the Initiative for Strategic Litigation in Africa (ISLA), a pan-African organization that specializes in litigation for women's human rights and sexual rights. ISLA is based in South Africa.

The meeting, which was described as a legal consultation, was convened in order to get more instructions and evidence on a case that ISLA and CHESA plan to file before the courts. The case concerns a challenge to the government's decision to limit the provision of certain health services that it had previously provided (see [GFO article](#)).

Tanzania Police raided the meeting and detained and arrested the 13 attendees, including three human rights lawyers and their clients.

Among those arrested were CHESA's Director, John Kashiha, and ISLA's executive director, Sibongile Ndashe. Initially, the 13 people arrested, which included two citizens of South Africa and one citizen of

Uganda, were released on bail, but on 20 October their bail was revoked and all 13 were re-arrested. They were advised that a fresh investigation had been launched. No charges have yet been laid.

On 23 October, ISLA spokesperson Matilda Lasseko told [news24](#), a South Africa-based news outlet, that the two South Africans were being held illegally. Tanzanian law dictates that a suspect should be charged in a criminal court within 24 hours of being arrested, Lasseko said. “The reality is that if they had broken any laws, they would have been charged already.”

The suspension of the activities of CHESA means that many people who were accessing CHESA’s health services have been cut off.

According to a [news release](#) issued by ISLA and CHESA, the Regional Commissioner of police issued a statement in which he stated that the people arrested were promoting homosexuality.

In their news release, ISLA and CHESA said, “We view this as an attempt to intimidate citizens from approaching judicial institutions when their rights have been violated, to create an environment where lawyers are afraid to provide legal representation and to ultimately create an environment where it is unthinkable to hold the state accountable for human rights violations.” Stating that there was no legal basis for the proceedings, the organizations called upon Tanzanian authorities “to discontinue the ongoing persecution of lawyers and their clients, [to] allow citizens to access legal representation without intimidation and to allow the foreign nationals whose passports have been seized to leave the country.”

In a [statement](#), Human Rights Watch (HRW) said,

“While it is true that ‘carnal knowledge against the order of nature’ is criminalized in Tanzania under a colonial-era law, by no measure of the imagination is it a crime to hold a meeting. In fact, the meeting ... was not even about homosexuality. Its aim was to explore the possibility of mounting legal challenges to the government’s ban on drop-in centers serving key populations at risk of HIV, as well as the ban on importation of water-based lubricants, an essential HIV prevention tool.”

HRW said that the “arbitrary” arrests is a sign of the Tanzanian government’s increasing lack of tolerance for freedom of assembly and freedom of expression. The arrests follow a disturbing pattern, it said, in which [several dozen](#) people have been arrested since December 2016 for “homosexuality” or “promoting homosexuality.” In most of these cases, HRW said, police have not presented any evidence suggesting that those detained have engaged in same-sex sexual conduct.

“The truth is that the lawyers and activists are not being held for promoting homosexuality, but for challenging absurd, reactionary policies that could cost many HIV-positive people their lives,” HRW stated. “Tanzanian police should immediately release Sibongile and her colleagues and drop any politically motivated charges.”

Berry Nibogora, a lawyer and Executive Director of African Men for Sexual Health and Rights (AMShER), was quoted in the [Mail & Guardian](#) as saying, “There has never been a case like this in Tanzania, where foreigners have been arrested. This is very concerning, because one of the dominant narratives being pushed in Tanzania is that homosexuality is a foreign import. So, this arrest gives credence to that argument.”

Allan Maleche, Global Fund Board member for the Developing Country NGOs, said that the UNAIDS and UNDP country offices have been informed, as has the chair of the country coordinating mechanism in Tanzania. The South African, Norwegian and Swedish High Commission have also been apprised of the matter, Maleche said, with the South African commission being quite pro-active in attempting to secure the release of those arrested.

ISLA and CHESA have prepared a [letter](#) protesting the arrests, addressed to the Attorney-General of

Tanzania and the heads of several human rights commissions. The two organizations are urging people and other organizations to sign on to the letter. ISLA and CHESA are also encouraging people to use or adapt the letter for sending to the embassy or permanent mission of Tanzania in their countries.

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