

TANZANIA

“THE BULLETS WERE RAINING” The January 2001 Attack on Peaceful Demonstrators in Zanzibar

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I. SUMMARY

In a welcome step, in January 2002, Tanzania's President Benjamin Mkapa announced the creation of an independent commission of inquiry to investigate human rights violations committed by Tanzanian security forces in Zanzibar a year before. In January 2001, the government security forces violently suppressed political demonstrations in Zanzibar that had been called to protest irregularities in the national elections of October 2000. Security forces—primarily the police, aided by the coastguard and the army—opened fire and assaulted thousands of unarmed demonstrators and others. In the following days, the security forces, joined by ruling party officials and militia, went on a rampage, indiscriminately arresting, beating, and sexually abusing island residents. Human Rights Watch estimates that at least thirty-five people were killed, and over 600 injured. Some two thousand Zanzibaris fled to nearby Kenya.

The January 2001 abuses were the most egregious event to date in a pattern of repression by the Tanzanian national authorities, including the local Zanzibar government, against legitimate political opposition on the semi-autonomous islands of Zanzibar. The United Republic of Tanzania was formed in 1964 as a union between mainland Tanganyika and the Indian Ocean islands of Unguja and Pemba, which together comprise Zanzibar. Longstanding political tensions have become more overtly exacerbated since Tanzania underwent a transition to multi-party politics in 1992.

Following widespread, internationally condemned election fraud in Zanzibar during the October 2000 national elections, Tanzania's major opposition party, the Civic United Front (CUF), called for countrywide protests to take place on January 27, 2001. The CUF also demanded constitutional reform. Broadly supported by other opposition parties, these protests—the largest in the nation's history—were generally peaceful, although there were several incidents of police harassment.

In Zanzibar, however, it was a far different story, and a much more ugly affair. Under orders to stop the demonstrations, including through the use of force, security forces shot and attacked demonstrators in four towns: the Pemba Island towns of Wete, Micheweni, and Chake Chake, and the capital, Zanzibar Town on Unguja Island (also known as Zanzibar Island). Organizers had planned a peaceful demonstration, ordering participants to arrive unarmed and to wear white armbands to signify their peaceful intentions. In response, and beginning several days before the planned event, the Tanzanian authorities declared the demonstrations illegal and undertook a campaign to scare off potential demonstrators, threatening them with violence and warning worshippers to disperse from mosques immediately after Friday prayers. Foreshadowing the violence to follow, the day before the planned protest, security forces shot and killed two persons, a Muslim religious leader and a worshipper, outside a mosque in Zanzibar town.

The next day, January 27, as thousands of demonstrators, mostly unarmed, walked peacefully toward designated meeting grounds, security forces on both islands set up roadblocks and ordered them to disperse. When the demonstrators stood their ground, remaining peaceful, the police and army let loose a barrage of teargas, beatings, and shootings, sometimes firing without warning and often pursuing people fleeing the scene. Some of the shooting was done from above by snipers or from a helicopter that circled the gatherings, further terrifying citizens running for cover. As the crowds dispersed, authorities assaulted some of the wounded, and prevented those injured from receiving medical care. With police and intelligence officers controlling hospitals, some of the injured who sought help there were also denied access to medical care. As one eyewitness described it: "the bullets were raining."

Following the assaults, security forces on the islands rounded up hundreds in house-to-house sweeps characterized by looting, terrorizing, and sexual abuse. Opposition CUF party-supporters and Pembans were particularly singled out. Several CUF offices were also ransacked. In some cases, members of the security forces made anti-Islamic statements in the course of abusing the largely Muslim Zanzibari population. Hundreds of demonstrators—many of them severely injured—spent days in jail, often held without charge and physically abused while in custody. More than 2,000 Zanzibaris fled to neighboring Kenya. While most have since returned without incident following a government amnesty, to date, some two hundred remain in Kenya or Somalia.

The specificity and scale of the January 2001 violence indicated a concerted effort to target the opposition party where it had widespread support—Zanzibar. There is no evidence that demonstrators planned any violent actions; yet, significant security preparations prior to January 27 suggest that high-level government and security officials planned and ordered the crackdown in advance. Perpetrators included the police and armed forces, assisted by local authorities and ruling party militia members.

At the time, the events triggered a public outcry in Tanzania, but no government apology or inquiry followed. In fact, Tanzanian officials praised the perpetrators for a job well done. Tanzanian President Mkapa publicly congratulated security officers for what he described as an excellent job in restoring order in the islands. The findings of Human Rights Watch contradict the official government version. Tanzanian officials claim that demonstrators tried to take over police stations and mount an armed rebellion. In an official release, authorities put the death toll at twenty-three (including one police officer). They further claim that police who utilized lethal force did so without orders, and that the deaths were caused by poor training and bad luck. Human Rights Watch's findings, however, suggest that the numbers of those killed and injured as a result of the government's actions exceed the official toll, and were the result, in large part, of an orchestrated government policy to violently suppress the opposition protests.

On October 10, 2001, in an important step, Tanzania's ruling Chama cha Mapinduzi (CCM) party entered into an agreement on reform with the CUF opposition. An essential ingredient of the proposed reforms is to separate government and ruling party infrastructures. If implemented, the changes will affect the Zanzibar constitution, the electoral commission, and the Zanzibar judiciary. The accord called for a permanent voter register to be set up, for electoral laws and policies to be reformed, and for the state-owned Zanzibar media to give equitable coverage to all parties. The pact also provided for the creation of an independent commission of inquiry to investigate the violence that occurred in Zanzibar during January 2001. On January 16, 2002, an eight-person team was appointed by the Tanzanian president to investigate the January 2001 incident, to propose to the government steps that could be taken to provide redress, and to put into place preventive measures. The commission is due to present its findings and recommendations to the government by July 2002.

In the period since January 2001, there has been little sustained pressure by the international community to call on the Tanzanian government to punish those responsible for the abuses of January 2001, or to implement fundamental democratic reforms. At the time, the international response to the events in Zanzibar consisted of public condemnation, but little more. Most donor governments had already suspended aid to the Zanzibar government because of the improperly conducted 1995 and 2000 elections. However, the international community has been reluctant to take as strong a stand with the Tanzanian union government. The Tanzanian government continues to receive foreign assistance, and Tanzania recently qualified for enhanced debt relief from the International Monetary Fund under the Highly-Indebted Poor Countries (HIPC) initiative.

The constitutional arrangement uniting what were formerly the independent states of Tanganyika and Zanzibar makes law enforcement and security the responsibility of the union government. It is surprising therefore that the international community has chosen to address the security force violations committed in Zanzibar largely by cutting off aid to the islands. Further international action related to the rule of law in Zanzibar should be directed at the Tanzanian union government, as has been done to the Zanzibar government, to ensure respect for human rights.

Human Rights Watch welcomes the creation of the new commission of inquiry as a first step toward reestablishing the rule of law in Zanzibar, but cautions that this must be followed by a thorough investigation and public report, as well as government action to bring to justice those officials responsible for the serious abuses that occurred in Zanzibar over a year ago. To date, shamefully, no government official has been prosecuted or punished for their role in these abuses. On the contrary, several senior police officers were promoted shortly after the demonstrations. Moreover, at least eight police officers who had refused to participate in the violence were arrested and later fired for their lack of enthusiasm.

Human Rights Watch's findings show that Tanzanian security and state officials were responsible for serious violations of domestic and international law. Security forces were responsible for extrajudicial executions and an excessive use of force resulting in killings and assaults of unarmed civilians, including those assisting the wounded. Other abuses included assaults on and denial of medical care to the wounded; torture and mistreatment, including rape and sexual abuse; arbitrary arrests and detentions without trial; looting and the destruction of property; and denial of free expression, assembly and association in forbidding a peaceful opposition demonstration to occur in Zanzibar.

* * * *

This report is based on testimonies collected by the Africa division of Human Rights Watch in Zanzibar and Dar-es-Salaam during July and August 2001. The report also draws on material gathered from interviews with refugees in Shimoni, Kenya, conducted in February 2001. The findings are based on some 160 interviews with victims and witnesses, as well as government officials (including police officers), aid workers, and ruling and opposition party members. Human Rights Watch also obtained several minutes of video footage showing police shooting into the crowd and beating unarmed civilians in Wete. Witnesses confirmed the footage as being from January 27, 2001. Additionally, the location was identifiable as Wete town, which has never been subject to police shootings except on that day. The names of most of those interviewed, and in some instances the exact locations, are being withheld to safeguard their security.

In January 2002, Human Rights Watch returned to Tanzania for meetings with government officials to discuss our findings and recommendations prior to the publication of this report. We met with Ministry of Home Affairs Permanent Secretary Bernard Mchomvu, along with Senior Assistant Commissioner of Police Shafi, and Senior Superintendent of Police King'wai. The Ministry of Defense declined to meet with us.

The exact numbers of those killed and injured in the violence remain unknown, and the numbers provided by the government and opposition differ. The government claims that twenty-three persons were killed, eighty-two injured (including ten police officers), and 352 arrested, while CUF claims that sixty-seven people were killed. Human Rights Watch was able to verify at least thirty-five dead, and more than six hundred injured. The figures used by Human Rights Watch in this report are an approximation based on government and press figures as a starting point, and have been cross-checked with witnesses.

II. RECOMMENDATIONS

To the Tanzanian Government and the Zanzibar Government

- Respect the freedoms of expression, association, and assembly of the legitimate political opposition in Zanzibar, as well as all other Tanzanian citizens and residents. Ensure that opposition party members are not subject to arbitrary arrests and detentions, harassment, and intimidation.
- Ensure that the commission of inquiry set up to investigate the January 2001 violence in Zanzibar functions independently, and is provided with the necessary human and material resources to conduct a thorough and impartial investigation. Ensure that commission members have access to adequate training, including on international human rights standards, conducting fact-finding interviews (particularly with regard to rape victims), and witness protection. The investigation should ensure the protection of all persons who provide the commission with information, testimony, or evidence. The commission should report publicly, and in full, on its findings and recommendations.
- Investigate, take appropriate disciplinary action, and institute criminal proceedings against military, police, or militia personnel where there are credible allegations that they have been responsible for abuses, including extrajudicial killings, other excessive use of lethal force, assaults, torture and mistreatment (including rape and sexual abuse), arbitrary detentions, and looting and destruction of property, during the January 2001 violence in Zanzibar.

- Ensure that Tanzanian security forces, when facing civilian demonstrations, abide by international standards governing police conduct as set forth in the United Nations (U.N.) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the U.N. Code of Conduct for Law Enforcement Officials.
- Ensure equal access to medical treatment in government health facilities to all wounded, irrespective of their political or other affiliation. In particular, ensure that the requirement of police approval (form PF-3) is not used to deter or to harass injured people perceived to be political opponents from receiving medical care. Form PF-3 is required from the police before a hospital will treat certain types of injuries, such as bruises, cuts, bullet and other wounds.

To Donor Governments and Commonwealth Members

- Exert sustained pressure, including through public diplomacy, on the Tanzanian government to ensure that human rights are respected in Zanzibar. Tangible progress in the enactment of provisions in the October 2001 agreement that promote respect for human rights and the rule of law should be used as a measure in considering direct foreign assistance to the Tanzanian government. Failure to abide by the agreement should lead to a suspension of military equipment sales or assistance to the security forces that could be used to abuse human rights. Such progress should also be used to determine whether aid to the Zanzibar government, suspended since the 1995 election fraud, should be resumed.
- Provide logistical and financial support for the implementation of the October 2001 agreement, in particular, the commission of inquiry to investigate the January 2001 violence in Zanzibar. Use public diplomacy to press the government to ensure that the commission is vested with the powers and resources necessary to undertake a genuinely independent inquiry and to guarantee to make its full findings public.
- Sustain pressure on the government to initiate criminal prosecutions against those responsible for extrajudicial killings, or other excessive use of lethal force, assaults, torture (including rape and sexual abuse), arbitrary detentions, and looting and destruction of property, during the January 2001 violence.

To the International Monetary Fund and the World Bank

- Monitor assistance being given to the Tanzanian government under the Poverty Reduction and Growth Facility (PRGF) and Highly Indebted Poor Countries (HIPC) initiatives to ensure that these programs contribute directly to ensuring good governance and respect for the rule of law in Tanzania.

III. BACKGROUND

Tanzania was formed in 1964 as a union of mainland Tanganyika and Zanzibar—the islands of Unguja (also known as Zanzibar) and Pemba.¹ Zanzibar is a semi-autonomous part of the United Republic of Tanzania. The United Republic of Tanzania is a unitary state with a union government, but some powers in Zanzibar are devolved to the Zanzibar Revolutionary Government.² Within the United Republic of Tanzania, Zanzibar

¹ Zanzibar is made up of the two islands of Unguja (also known as Zanzibar) and Pemba. For the purposes of this report, any reference to Zanzibar refers to both Unguja Island and Pemba Island. To distinguish, the island often known as Zanzibar is referred to as Unguja Island.

² The president of the union government is chief of state and head of government, who appoints the prime minister. The legislative branch is a unicameral national assembly or Bunge that enacts laws that apply to the entire United Republic of Tanzania as well as laws that apply only to the mainland. For an enacted law to apply to Zanzibar, it must contain wording specifying this. The Bunge contains 274 seats—the majority are elected by popular vote, but some seats are reserved for women (allocated by party on a proportional basis) and for members of the Zanzibar House of Representatives. Zanzibar has its own parallel local government that is responsible for matters internal to Zanzibar. Zanzibaris elect their own president to head the Zanzibar Revolutionary Government as well as representatives to their own House of Representatives that makes laws especially for Zanzibar. The Zanzibar House of Representatives has fifty seats—most of its members are voted into

formally retained considerable local autonomy and its own president, legislature (known as the Zanzibar House of Representatives), and judiciary, but ceded control over security and foreign affairs to the newly formed Tanzanian government. Over the years, however, the powers of the Zanzibar government became steadily less autonomous, and eventually, the ruling Afro-Shirazi Party (ASP) of Zanzibar formally merged with the ruling Tanganyikan African National Union (TANU) party on the mainland to form the Chama cha Mapinduzi [The Revolutionary Party] (CCM).

Historically, certain human rights have been systematically disregarded in Zanzibar by the Tanzanian government as well as by Zanzibar's own government. The institution of multi-party politics in 1992, replacing one party rule, opened the door for legitimate opposition. The Civic United Front (CUF) subsequently emerged to become one of the largest opposition parties in the country, and the most supported party on the islands, garnering greater support in Zanzibar than the ruling party.

In 1995, Tanzania's first multi-party elections in thirty-one years were marred by allegations of vote-rigging in favor of the ruling party.³ There were complaints of voter registration irregularities, delays in the delivery of voting materials, and police and army interference in vote counting. Salmin Amour, the CCM incumbent, was declared the president of Zanzibar by a margin of less than 1 percent.

In protest, CUF opposition members boycotted the CCM-dominated Zanzibar government for the next three years. CUF presidential candidate and party secretary general Seif Shariff Hamad refused to recognize Salmin Amour as the legitimate president of Zanzibar. During the boycott, the government orchestrated reprisals against CUF members: Eighteen CUF officials were detained and charged with conspiracy, later changed to treason. Despite wide international criticism, they were held until after the next national elections in October 2000.⁴ Between 1995 and 1998, Pembans and CUF supporters who worked for the government in Zanzibar were fired *en masse* from the civil service. Hundreds of Pemban-owned homes and businesses were razed in the Mtoni neighborhood and other parts of Zanzibar Island.

Several attempts at mediation eventually culminated in a Commonwealth-brokered agreement of June 1999. The agreement between CUF and CCM committed the CUF to return its elected members to the Zanzibar House of Representatives and the CCM to reform the Zanzibar Electoral Commission and to enact mechanisms to ensure impartiality in the 2000 elections. An Inter-Party Committee was to compile a credible voter register, ensure equitable access to the media, reform the judiciary, and guarantee political freedom. The agreement was celebrated across the Zanzibar islands, although a year later, little or no progress had been made, except for the ending of the CUF boycott.⁵

office by the Zanzibari electorate, ten members are nominated by the Zanzibar president, and several seats are reserved for women.

³ Zanzibar has a long history of colonization starting with the Portuguese, the Omanis, and then the British. On gaining independence, Zanzibaris held their first multi-party elections in 1961, which were hotly contested and violent. Independence, and new elections, were postponed until 1963, when a coalition government was elected. Because two of the coalition partners won the majority of seats but not the popular vote, political life on Zanzibar remained unstable. On January 12, 1964, the political opposition led by Abeid Karume seized control of Zanzibar Town, the center of government. Between 4,000 and 10,000 people, principally those of Arab origin, were massacred in a bloody revolution. Up to 20,000 were detained, and hundreds "disappeared." In May 1964 a hastily formed union with the mainland Tanganyika was announced, creating the newly formed Tanzanian government. Zanzibar's first revolutionary government, under the leadership of Karume, subsequently undertook a retaliatory campaign of terror on the isles, particularly on Pemba, to suppress any further dissent and to punish those who had not supported the revolution. From 1964 to 1972, many islanders were indiscriminately punished, tortured, or "disappeared," particularly Pembans. See Lofchie, Michael, *Zanzibar: Background to the Revolution*. Princeton: Princeton University Press, (1965); Martin, Esmond Bradley, *Zanzibar: Tradition and Revolution* (Hamish Hamilton, London: 1978); Clayton, Anthony, *The Zanzibar Revolution and its Aftermath*, (Hamden, Connecticut: Archon Books, 1981).

⁴ See Article 19, *Zanzibar: Democracy On Shaky Foundations*, (London: April 2000).

⁵ Ibid, p. 11.

The next time Tanzanians went to the polls was for the October 2000 national elections. Once again, the elections were flawed, with the ruling CCM being accused of serious abuses. Following the election, international observers condemned the electoral abuses: “We wish to record our sadness and deep disappointment,” noted the chairperson of the Commonwealth observer mission, “at the way in which so many voters were treated by the ZEC [Zanzibar Electoral Commission] … in many places this election is a shambles. The cause is either massive incompetence or a deliberate attempt to wreck at least part of this election. Either way the outcome represents a colossal contempt for ordinary Zanzibar people and their aspirations for democracy.”⁶ No international observers were allowed to witness voter registration or election campaigning. Many legitimate residents were prevented from registering to vote. In particular, the local authorities responsible for determining eligibility used a rule that requires five years’ residence in one constituency on Zanzibar to bar Zanzibaris from registering to vote.⁷ Police looted Pemba and CUF-owned businesses in Zanzibar town, and the CUF was denied permission to hold political rallies. In September 2000, police shot live ammunition into a peaceful meeting at Kilimahewa on Zanzibar Island, severely injuring six people.

Late on October 29, 2000, election day, the Zanzibar Electoral Commission suddenly announced that elections in sixteen urban constituencies on Zanzibar Island were being cancelled. Soldiers and police seized ballot boxes by force on both Zanzibar and Pemba islands. Opposition party polling agents were harassed, beaten, and arrested. Ballot boxes were kept out of view of both local and international election observers and party agents. When the Zanzibar government announced there would be a re-run of the elections in the sixteen cancelled constituencies, international election observers left the country in protest.

In the days following the election, armed bands of CCM supporters accompanied by police conducted house-to-house searches on both islands and beat members of the opposition. Journalists and television crews recorded assaults on CUF supporters and passers-by by the security forces. Army and police reinforcements were brought from the mainland.

After October 2000, the CUF was denied permission to hold public rallies by the Tanzanian government, and CUF supporters were subjected to arbitrary arrests and harassment. In December, CUF leaders called for a nationwide, peaceful demonstration to protest political repression in Zanzibar, call for new elections, and demand constitutional reform. Tensions were exacerbated when four small bombs were detonated in Zanzibar, injuring one person and causing minor property damage. The government attributed the blasts to the CUF, and quickly arrested dozens of opposition supporters; for their part, CUF officials strongly denied any involvement. Some thirty opposition members in Pemba were held for several months without bail or trial before being released and charges against them dropped.

Political tensions between the mainland and Zanzibar are exacerbated by religious differences. Muslims are a marked minority in public office, army, police, and the civil service on the mainland. Zanzibar’s population is overwhelmingly Muslim. It is also markedly diverse and tolerant. The CUF has consistently asserted that it is not a party based on religion; while its leaders are mostly but not exclusively Muslims, it claims significant support on the largely Christian mainland. However, the CCM-led governments of Tanzania and Zanzibar have, at times, tried to paint CUF as a Muslim party with terrorist aims. On several occasions, they have implied that all Muslims (whether they belong to the CUF or not) are Islamic fundamentalists, thus justifying repression of any political opposition in which Muslims figure.⁸

⁶ See http://www.thecommonwealth.org/pr_info/pr_rel.html.

⁷ See, International Federation for Human Rights and Legal and Human Rights Centre, “Zanzibar: Wave of Violence,” June 1, 2001, available at <http://www.fidh.org/afric/rappor/2001/zanzi0501.pdf>.

⁸ Ibid, pp.17, 29, and Human Rights Watch interview with Bernard Mchomvu, permanent secretary, Ministry of Home Affairs, January 30, 2002 (See section on Government Response for more detail). Most recently, in February 2002, as worshippers gathered to commemorate the police shootings of 1998 at Mwembe Chai mosque, police opened fire, beat, and arrested dozens resulting in two deaths; a civilian and a police officer. Official statements later characterized the peaceful meeting as “a gathering of terrorists.”

The announcement of an agreement between the government and CUF on October 10, 2001, finally broke the impasse. The agreement promised to address one of the major stumbling blocks to genuine multiparty democratization: the separation of the government and ruling party infrastructures. The agreement, if fully implemented, would change the Zanzibar constitution, the electoral commission, and the judiciary. In order to address electoral inequalities and irregularities, the electoral laws are to be amended, a permanent voter register is to be set up, and the state-owned Zanzibar media are to give equitable coverage to all parties. Under the terms of the accord, the government also agreed to create an independent commission of inquiry to investigate the violence that occurred in Zanzibar in January 2001. Other appendices include a list of constitutional amendments to take effect from February 1, 2002, and a statement on the need for the joint commission to continue functioning after its mandate expires, with a view to establishing a government of national unity in the future.

The October 2001 pact represented an important step toward ending the long-standing hostility between the Tanzanian government and the political opposition. If enacted, it should bring to an end many of the contentious issues between the government and ruling party and the opposition. The signing ceremony was attended by President Mkapa, the Zanzibar president, Amani Karume, and opposition CUF leaders Ibrahim Lipumba and Seif Sheriff Hamad.

The first significant step in this process was to be the establishment of a Joint Presidential Supervisory Commission, staffed by five representatives each from the CCM and the CUF, to monitor the implementation of the agreement. However, only one month after the signing of the pact, complaints were already being lodged by CUF in December 2001 when the Zanzibar attorney general Iddi Pandu Hassan sought to unilaterally alter the text of the accord by introducing amendments to the bill to set up the Joint Presidential Supervisory Commission in the Zanzibar House of Representatives. Instead, he submitted a watered down version, including changes to the nomination process, mandate, and duration of the commission. The changes were unacceptable to CUF: they pointed out that the commission was central to the implementation of the entire agreement, and unless it was vested with the requisite powers to supervise and enforce the process, it was possible for the government to manipulate the entire process.

Optimism was renewed on January 3, 2002, after CCM and CUF signed a new agreement re-pledging their commitment to the original document, and confirmed that there would be no changes without agreement by both parties. The new agreement resolved the differences over the Joint Presidential Supervisory Commission, and bound the government to consult with the CUF before deviating from any of the terms of the October agreement.

This announcement was swiftly followed by the formal inauguration of the Joint Presidential Supervisory Commission, and the independent commission of inquiry into the January 2001 Zanzibar killings. On January 16, 2002, President Mkapa announced the formation of the independent commission of inquiry to investigate the January 2001 violence in Zanzibar. Retired Brigadier General Hashim Mbita, former executive secretary of the Organization of African Unity's (OAU) Liberation Committee, was named chair of the eight-person team that is to present its report and make recommendations to the government by July 31, 2002.⁹ It is to be hoped that the commission of inquiry will undertake a full and independent investigation, and will have the necessary powers and resources to enable it to do so. It should identify those responsible for human rights abuses and the government should commit now to prosecuting and bringing to justice such perpetrators.

IV. THE LEAD-UP: INTENT TO USE EXCESSIVE FORCE

The CUF began planning in early January for a series of peaceful demonstrations on January 27, 2001 to protest the October 2000 election fraud, and notified the police of their march routes. The government had

⁹ Other members of the team include Masauni Yusuf Masauni, Ali Abdullah Suleiman, Salama Kombo Ahmed, Hassa Mlawa, Bruno Mpangala and Kassim Ali and Phillip Mcamanga (secretary).

prevented political gatherings following the election. Ruling party and security officials immediately responded by announcing that the demonstrations were banned and by making preparations to suppress them.¹⁰

The Security Forces Deployed

In mid-January, an estimated 500 Tanzanian government police and army reinforcements along with armored vehicles and artillery were sent to Zanzibar, adding to the forces that had been deployed there since the elections.¹¹ Most of these army and riot police brought in were non-Muslims primarily from the Tanzanian mainland, and were viewed by local people in Zanzibar as a kind of occupying force.

The police, under the Tanzanian Ministry of Home Affairs, have primary responsibility for maintaining law and order. In particular, the riot police, known as the Field Force Unit (FFU), are responsible for crowd control. However, in this case, FFU uniforms were reportedly issued to a number of regular police in Pemba, along with shields and teargas launchers, who lacked training in riot control.¹² The army, the Tanzania People's Defense Force, which maintains two barracks in Pemba, is usually not deployed for internal security matters; however, in this case they provided support to the police. The Zanzibar government also armed and deployed its coastguard—the Anti-Smuggling Naval unit [*Kikosi Maalum cha Kuzuia Magendo, KMKM*]—that usually polices the coastal waters to prevent commercial smuggling to Kenya.

In addition to the state security forces, a number of civilian or ruling party militia groups were organized. In Zanzibar, there is a compulsory National Youth Service [*Jeshi la Kugenja Uchumi, The Army for the Building of the Economy, (JKU)*], which is a pre-requisite for government employment, and provides some military training. Many JKU members were put on standby, or were deployed to provide support and vehicles to police on January 27, 2001. The local ruling party militia [*mgambo*] and local administrators [*sheha*] also worked closely with the local government authorities, attacking civilians or serving as informants by leading police to the homes of opposition supporters.

Government Orders to Use Force

Several police officers who agreed to talk with Human Rights Watch confidentially reported that the police authorities encouraged them to use all force necessary to break up the demonstrations. High-ranking government officials made public statements warning that force would be used: "The government has prepared itself in every way to confront whatever occurs...any provocation will be met with all due forces of the state," said Tanzanian Prime Minister Frederick Sumaye.¹³ The Tanzanian vice-president at the time, the late Omar Ali Juma, told a press conference, "The government of the United Republic and Zanzibar has the means to deal with any situation, including this demonstration, so that citizens do not suffer."¹⁴

Several police officers who were involved told Human Rights Watch that the regional police authorities prepared their men in several meetings at different police stations. For example, three police officers told Human Rights Watch that two days before the January 27 demonstrations, the regional police commissioner for Unguja Urban-West, Khalid Idd Nuizan, reportedly made a speech to a large gathering of policemen in Zanzibar Town, during which he said they should use all force necessary to break up the demonstrations. The police were told that it was better for them to kill than to return with their weapons and bullets. Police commissioner Nuizan

¹⁰ For other reports that document the January 2001 violence in Zanzibar: See, International Federation for Human Rights and Legal and Human Rights Centre, "Zanzibar: Wave of Violence," June 1, 2001, available at <http://www.fidh.org/afric/rapport/2001/zanzi0501.pdf> and Amnesty International, "Tanzania: Human Rights Concerns Relating to Demonstrations in Zanzibar on January 27, 2001, January 28, 2002, available at <http://www.amnesty.org/ai.nsf/Index/AFR560012002?OpenDocument&of=COUNTRIES\TANZANIA>.

¹¹ According to the Tanzanian Constitution, matters of defense and internal security fall under the authority of the Union government. See Issa Shivji, *Tanzania: The Legal Foundations of the Union*, 1990. Also, Human Rights Watch interview, Wete, August 3, 2001.

¹² Human Rights Watch interview with police officer, Chake Chake, August 15, 2001.

¹³ "Waislamu watawanyike baada ya swala ya Ijumaa-Omar" *Nipashe*, January 26, 2001.

¹⁴ *Ibid.*

reportedly said, “Kill, bring back bodies, then we will know that you have done your job.”¹⁵ Another police commander, who addressed some 200 police officers in a police mess in Pemba on January 26, 2001, reportedly told his men that he had received orders from his superiors to use any force necessary, including live ammunition, since the planned demonstration was banned.¹⁶ When he told the gathering to use restraint by first firing rubber bullets, several FFU riot police transferred from the mainland jeered, protesting that it would be interpreted as a sign of weakness if they did not use live ammunition.¹⁷ In another police station in Pemba, the police were reportedly given more explicit orders to use live ammunition against crowds numbering more than twenty.¹⁸ In Pemba, the army and the local government administration at Wete sent an intimidating message to residents on January 26, 2001, by removing the police flag at the police station and replacing it with the army flag—suggesting an arbitrary institution of martial law. Army cars then drove through town, soldiers standing atop their vehicles with guns. The entire town was under police guard.¹⁹

The order given to the security forces appears to have been clear and direct: stop the demonstrations at any cost. In some cases, however, individual officers refused to follow such orders or avoided actively participating in suppressing the demonstrations; in other cases individuals used excessive force and went on a rampage. Several of those who did not follow orders to use force were arrested: For example, eight police officers in Zanzibar Town were detained on January 27, 2001 at Ziwani barracks.²⁰ The relatively small number of police and security forces, compared to the size of the crowds they faced, may have contributed to the anxiety of the police, and led some to use live ammunition fearing that their, or others’, lives were at risk, especially after one police officer was killed by demonstrators in Wete. However, according to testimony collected by Human Rights Watch, it is clear that in some cases police and other security forces made excessive use of lethal force, and were responsible for committing extrajudicial killings. Although in some areas police did fire warning shots in advance, in other areas, no warning was given to the crowds before they were fired upon.

An Intimidation Campaign Begins

In the days leading up to the demonstration, the authorities arrested several CUF leaders, including Juma Othman Juma, a Pemban organizer, who was detained without charge for a week. Police also sought another CUF leader in Chake Chake, Hamad Masoud, but he evaded arrest.

In the days preceding January 27, 2001, the official and only television station in Zanzibar, TVZ, ran film clips showing previous protest demonstrations that had been forcibly quelled by police. For the first time, official news media showed the films of the 1998 police shootings of worshippers outside the Mwembe Chai Mosque in Dar-es-Salaam, and of the violence that accompanied the 1964 Zanzibar revolution. The intent appears to have been to intimidate potential demonstrators to stay away and to signal that the authorities were ready and willing to use force to prevent the demonstrations.²¹ Although CUF leaders were probably aware of security force preparations and planning, they did little to warn supporters of the potential for violence and killings. They told demonstrators to prepare for tear gas, but encouraged women, the elderly and older children to attend the rallies.

According to one Zanzibar Town witness: “In the week prior to the demonstration there were armored vehicles and artillery on the streets. They were driving around and firing into the air to intimidate people.”²² Remarks made by police and CCM ruling party officials to some Pemba residents also portended violence. For example, a man in Mtambwe was told by a police officer, “Don’t go to the demonstration—you won’t return.”²³

¹⁵ Human Rights Watch interviews with serving police officer, Zanzibar Town, August 8, 2001, and two former policemen of Pemban origin, fired after the demonstration Zanzibar Town, August 1, 2001.

¹⁶ Human Rights Watch interview with police officer, Unguja, August 15, 2001.

¹⁷ Human Rights Watch interview with police officer, Unguja, August 15, 2001.

¹⁸ Human Rights Watch interview with police officer, Chake Chake, August 17, 2001.

¹⁹ Human Rights Watch interviews, Dar es Salaam, July 31, 2001, and Pemba, August, 2001.

²⁰ Human Rights Watch interview with police officer, Unguja, August 15, 2001.

²¹ They also showed footage of massacres in Rwanda and Tiennamen Square, as well as rallies led by Adolf Hitler in Nazi Germany. Human Rights Watch interviews, Zanzibar, August, 2001.

²² Human Rights Watch interview, Zanzibar Town, August 1, 2001.

²³ Human Rights Watch interview, Wete, August 6, 2001.

A former CCM member and retired senior civil servant told CUF members the week before the demonstration that they would be killed in Zanzibar.²⁴ One CUF member of the House of Representatives was reportedly warned by a police officer friend that he should not stand in the front line, but march in the rear: “If you march in the front, you won’t return.”²⁵

Shooting Worshippers at Mwembe Tanga Mosque on January 26, 2001

Apparently wary that the political opposition would organize support through the mosques, the government sought to ensure that no gatherings would take place outside the mosques after Friday prayers. On January 25, 2001, the Tanzanian vice-president at the time, the late Omar Ali Juma, called for Muslims to leave their mosques immediately following prayers, emphasizing that the demonstration planned for the next day had been banned: “I implore you, sheikhs, imams and all believers, pray and then disperse peacefully.”²⁶

Following Friday prayers at the Mwembe Tanga Mosque in Zanzibar Town on January 26, worshippers did gather outside the mosque in conversation, as was their custom following a service on their holy day. In responding, police who were on duty at the time told Human Rights Watch that a group of police officers were dispatched from Madema police station armed with rifles (contrary to routine practice) directly to Mwembe Tanga.²⁷ Some twenty police arrived at the mosque and ordered those gathered there to freeze. They then shot dead the mosque’s imam, Juma Mohamed Khamis, as he was in the process of unlocking his moped to leave. The police shot him directly in the face, killing him instantly. Two worshippers were shot by the police: Hamad Said was killed with a shot to the stomach, and Seif Juma was injured by two bullets in the leg and ankle as he attempted to flee.²⁸

A witness who was present at the mosque testified that the shootings were unprovoked:

We were sitting and chatting outside, as normal, when all of a sudden police appeared. They did not give any order for us to leave or disperse. They came there and right away they started shooting, not using sticks or anything like that, but live weapons. They didn’t shoot in the air. If they had shot in the air we would have run away. They were shooting at people this side and that side. My friend was shot and died...I know the one who gave the order—[police sergeant Mahmoud Juma] Mrema. He was the one who was in charge of the group that day. He didn’t shoot himself. He was giving orders such as, “Shoot him, shoot that one.”²⁹

A police officer who was on duty at Madema police station that day provided a similar account:

We went into the town around 11 or 12 o’clock, and everything was calm. Later, those who were trusted that they could do this thing were chosen; they were given weapons, and they went to town. The result was, when they returned, they had already killed, those two people ... Well, those policemen [who killed] claimed that there was disturbance, but honestly, there wasn’t any disturbance.³⁰

Five eyewitnesses interviewed by Human Rights Watch specifically identified Sergeant Mahmoud Juma ‘Mrema’ as the commanding officer at the scene, and alleged that he ordered the shooting of the imam.³¹ Following the killings, scores of worshippers were rounded up and arrested.³² Mwembe Tanga mosque was known to be a place of worship used by many opposition supporters because it is located next to a CUF regional

²⁴ Human Rights Watch interview, Dar es Salaam, August 1, 2001.

²⁵ Human Rights Watch interview, Wete, August 3, 2001.

²⁶ “Waislamu watawanyike baada ya swala ya Ijumaa – Omar” *Nipashe*, January 26, 2001.

²⁷ Human Rights Watch interviews with policemen, Zanzibar Town, August 1, 2001.

²⁸ Human Rights Watch interviews with witnesses and victim shot by police, Zanzibar Town, August 1 and 8, 2001.

²⁹ Human Rights Watch interview, Zanzibar Town, August 1, 2001.

³⁰ Human Rights Watch interview, Zanzibar, August 1, 2001.

³¹ Human Rights Watch interviews with witnesses and victim shot by police, Zanzibar Town, August 1 and 8, 2001.

³² Human Rights Watch interviews, Zanzibar Town , Zanzibar, August 9, 2001.

office. After the shooting, police arrested twenty-seven people outside the mosque and inside the nearby CUF office. Police kept the body of Hamad Said for three days before officially informing his family of the death.³³

Human Rights Watch interviews with several eyewitnesses, victims, and police officers contradict the official government response that characterized the shootings as accidental. Laurean Tibasana, police commissioner in the Tanzanian capital, Dar-es-Salaam, announced:

In Mtendeni, due to bad luck on January 26, 2001, after Friday afternoon prayers, a police patrol car containing seven police officers on their usual patrol duty were surrounded by a group of people coming out of the mosque and throwing stones at the police. The police fired bullets in the air, whereupon the people dispersed. The patrol car continued on its rounds after the people dispersed without knowing that anyone had been injured. Later, a report was received at the station that a person had died as a result of the bullets that were fired into the air.³⁴

In Zanzibar, the shootings were covered by the state media, and widely understood by local people to be intended to deter them from participating in the January 27, 2001 demonstrations. Others speculated that the incident was intended to provoke a violent response from Muslims, in order to discredit CUF.

V. THE DEMONSTRATIONS: KILLINGS AND ASSAULTS

The CUF had planned four demonstrations in Zanzibar: One in Zanzibar Town and three in the Pemba Island towns of Wete, Micheweni, and Chake Chake. In each case, the CUF supporters were to meet at their local party offices early in the morning, and then walk together to central meeting points on the main roads, then gather to hear political speeches. The police were notified by the CUF of these routes several days in advance. All demonstrators had been ordered by CUF to refrain from violence;³⁵ CUF leaders told them to tie a white cloth on the upper right arm, and to leave at home machetes and knives (which many Pembans, as farmers, carry as a matter of course). Some carried plastic bags filled with water to wash their faces in case of tear gas.

The demonstrations were widely supported, with thousands turning out to protest. As the unarmed demonstrators walked peacefully toward the four designated meeting grounds, security forces intercepted their routes. In Zanzibar town, police intervention successfully prevented the demonstration. In Chake Chake, Wete, and Micheweni, demonstrators did assemble and attempt the procession, but many were stopped and turned back. Thousands of villagers from Mkoani region, south of Pemba, tried to get to Chake Chake, but were turned back near Mtambile. Dozens were beaten and arrested by the security forces.

In some cases, security forces opened fire on demonstrators without warning. In other cases, when demonstrators ignored orders to disperse, police, army, and ruling party militia members attacked them, firing, beating, and pursuing people fleeing the scene. Some police shot injured people who were lying on the ground. As demonstrators fled, police pursued them in cars. Demonstrators were also shot by police snipers and from a helicopter that circled the gatherings. Local residents were ordered to stay in their homes, and threatened and assaulted by the security forces and ruling party supporters in their homes and on the streets of their towns.

Wete, Pemba Island

Some of the worst violence on January 27, 2001, occurred in Wete town in northern Pemba. Although exact numbers are not known, Human Rights Watch was able to confirm that security forces killed at least thirteen people, wounded 213 and detained over 400 participants in the demonstration. Wete is a town of nearly 10,000

³³ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

³⁴ *Taarifa ya Jeshi La Polisi Kuhusu Matukio ya Mandhamano Haramu ya Chama cha CUF terehe 27.01.01*, Laurean Tibasana, National Police Commissioner for Operations and Training, Dar-es-Salaam, January 28, 2001.

³⁵ Human Rights Watch interviews, Zanzibar, August, 2001.

people in northwest Pemba. As the home area of the CUF leader Seif Shariff Hamad, it is often portrayed by CCM as the center of political opposition.

Demonstrators had been instructed to peacefully gather at designated sites to the east and west of the town. At a given signal, demonstrators were to march toward the town center, forming a unified group at the Fourways roundabout. From there, the plan was to march together through the town center, past the police station and central market, to the football field behind the courthouse, where CUF leaders would deliver speeches.

But this peaceful demonstration never occurred. As demonstrators gathered at three designated points, waiting police and security forces ordered them to disperse—firing shots and beating participants when they did not. Police used rubber bullets in one instance in Miti Ulaya, wounding one man, but at the Fourways roundabout and to the east at Kifumbikai, they used live ammunition without warning, continuing to shoot into the crowd in some places even as demonstrators fled. Some inhabitants, wounded in the violence or deterred by this show of force, abandoned the demonstration. But the majority, numbering in the thousands, continued on.

Police lines assembled in the center of Wete at the Fourways roundabout, where the road from the north meets Wete's main road, and at two points to the east, Chasasa and Limbani, were unable to stop the advance. Firing rounds into the air and directly into the crowd, the police from the east slowly retreated to the Fourways roundabout while security forces continued to beat and shoot at people. At Chasasa, dozens were wounded by bullets, and at least one person, Kombo Ali Abdallah, was killed as the police retreated. At the Fourways roundabout the police opened fire without warning as demonstrators approached. The crowds, apparently enraged by the violent reaction of the police, threw bricks and rocks at the forces driving them back, and one police officer was killed by demonstrators.

At the roundabout, with additional reinforcements brought in, the security forces fired on the demonstrators, killing several and wounding many others. The demonstrators, particularly well-known opposition members, then fled for their lives, pursued by the security forces. Many were beaten in the following hours. Still others were arrested and tortured. By the afternoon, the streets were largely deserted, save for the roaming bands of security forces searching for participants.³⁶

Approaching Wete Town

In anticipation of the gathering, police lined up in groups on both sides of the main thoroughfare. Residents were warned to stay in their homes, and in the neighborhoods of Utaani, Jadida and Kipangani, people going to the mosques to pray were turned back by police and beaten if they resisted. Along the road into Wete, police were deployed to intercept demonstrators coming from the rural areas to the east, and turn them away. Numbering in the thousands, villagers who had been turned away from the main roads relied on their knowledge of the back paths to continue on to Wete. In Wete, police had been patrolling neighborhoods since dawn, ordering people inside and arresting those who refused to leave the main pathways. By 6:15 a.m., they had rounded up more than one hundred residents and were holding them at the police station.³⁷ Although the regional police commander for northern Pemba was identified by witnesses as being at the police station on the morning of January 27, 2001, he reportedly played no active role in the abuses. District commanding officer, Omar Ummee, under the regional police commander's authority, however, was repeatedly identified by eyewitnesses as having ordered his police to shoot at demonstrators.

Outside Wete town at Madenjani and Mzambarauni, arriving marchers found police already waiting for them:

About fifty of us arrived on foot at Madenjani, where we were going to wait for the people from Kojani. We saw about 600 people already there, and saw that the police had come. There were two vehicles full

³⁶ Human Rights Watch interviews, Wete, August 7-13, 2001.

³⁷ Human Rights Watch interview, Wete, August 15, 2001.

of them, about twenty officers. They stepped down and started throwing tear gas pellets at us. They didn't give any orders. We dispersed.³⁸

One eyewitness who approached the town from the east stated:

Three police officers came from Wete side. They stood in the middle of the road, and they put one of their weapons on the ground and knelt behind it. It wasn't an ordinary rifle. They started shooting at us, and I saw six people in front of me fall to the ground. The rifle had a strong, repetitive sound. Others must have been hiding in the alleyways, because there was shooting coming also from the sides of the road...I saw police officers hiding in the bushes, shooting into the road. People were falling down. A man from Chwale [Juma Bakar Juma] died right beside me.³⁹

Undeterred, demonstrators continued to try and convene at the designated meeting spot. As they took to the road again, armed police deployments in vehicles drove by. Police commanding officer Omar Ummea passed through Chasasa in one of the vehicles, reportedly shouting, "Shoot! Shoot! Shoot the women in the legs, and kill the men."⁴⁰ Officers in open-body trucks drove by firing into the crowds. One woman recalled a riot policeman (FFU) at Kifumbikai chasing people in the alleyways:

When I got to my neighbor's house, I saw Abbas get shot. He was still a child. I bound him with my shawl and took him to a place to keep him out of trouble. On the way I came across another woman who had also been shot in the chest. A little further ahead I came across another woman who had fallen down. She had been shot in the stomach.⁴¹

A seventeen-year-old boy, shot in the leg at Chasasa, reported that the FFU were "shooting at the injured people who were lying in the road to finish them off."⁴² At the Fourways roundabout in Mtemani, security forces shot more demonstrators. A man who was in the front line of the demonstration as it moved down the road recalled that one police officer "saw that there were about 4,000 of us, and he shot directly at us without issuing a warning."⁴³

Wete Town: The Fourways Roundabout

Around 7:00 a.m., police and riot police reinforcements arrived at the Fourways roundabout. Some demonstrators attempted to collect the wounded and move them off the road, and others threw stones at the police. The majority pressed forward. At Mshelisheli Kibutu, hoping to confuse the security forces and thus allow demonstrators to escape from the police, who were continuing to shoot, demonstrators set fire to two metal drums of tar.⁴⁴ As the smoke rose and security forces regrouped, angered participants killed police constable Mussa Haji (see section below on Abuses to Police and Government Property).⁴⁵ The killing frightened and angered police. One witness, observing the Fourways roundabout, offered this account:

We saw [police district commanding officer Omar] OCD Ummea shouting, "You fools! One of your own has already been killed down there. Go on, go on, just shoot! Kill them!" It was quiet for a moment. We could see hundreds of people at the Fourways, and then the police got into two rows, facing them. The police started shooting, and the demonstrators started throwing rocks at them. Then we saw the police

³⁸ Human Rights Watch interview, Dar-es-Salaam, August 3, 2001.

³⁹ Human Rights Watch interview, Dar-es-Salaam, August 3, 2001.

⁴⁰ Human Rights Watch interview, Wete, August 7, 2001.

⁴¹ Human Rights Watch interview, Wete, August 4, 2001.

⁴² Human Rights Watch interview, Wete, August 6, 2001.

⁴³ Human Rights Watch interview, Wete, August 9, 2001.

⁴⁴ Human Rights Watch interview, Wete, August 9, 2001.

⁴⁵ Human Rights Watch interviews August 11-13, 2001.

retreat, walking backwards, some of them still shooting, but most of them saying that they had run out of ammunition.⁴⁶

After this order, police, coastguard officers, some soldiers, and some CCM militia members, came out of the police station and fired with redoubled vigor into the crowd. Some demonstrators retaliated by throwing stones at the security forces.

Human Rights Watch received many testimonies from victims and witnesses shot by the security forces. One participant recalled that:

The KMKM [coastguard] came out in large numbers then...Together with the police there were about seventy security officers. I counted forty of them with guns. All of them were shooting. One of them was shouting, "Shoot! Kill! Kill!" Everyone ran away then. I was running away, and my own trousers were torn by a bullet. I saw four people killed at that time.⁴⁷

A forty-five-year-old farmer not formally affiliated with any party saw his nephew killed:

We met a group of police and FFU [riot police]. They fired into the air. We thought they were scaring us, because we didn't have any weapons, and we were clapping. As we walked towards them, they started firing live ammunition at us. We were ten feet away from them. They fired into the people. I was in the third line behind my nephew who was in the front row. He was shot between the eyes. Eight people were injured there. I took his body with others and put it into a car to take it to the village.⁴⁸

The police also relied on several snipers on top of taller buildings to shoot down into the gatherings. One man, a twenty-seven-year-old farmer, was coming towards the Fourways roundabout when a sniper's bullet hit him in the leg.⁴⁹ Tamasha Abeid, standing in front of a building, was shot in the thigh.⁵⁰ Another witness told Human Rights Watch, "When we got to Mbelungi, a person from Chanjakombeni was shot. He was shot from above, from on top of the flats. I saw it. He died right there."⁵¹ Ali Juma Shariff, a twenty-year-old carpenter, was shot in the chest. One man who ran from the main road was shot in the hand as he leaned against a storefront.⁵² A sixty-year-old former teacher described what he saw:

In the group I was in, the first person to be shot, and who died after a few steps, was very close to me. Then a second person was shot in the leg, and then a third person was shot, before we had even reached the main street of Wete. The police were far away; they were on top of the buildings—the government buildings in Wete. They were aiming their bullets down into the crowd. I saw four people get shot and fall down. One of them died more or less on the spot. The police were aiming at the people.⁵³

At the Fourways roundabout, people were shot in the back or buttocks as they retreated. As demonstrators fled, security forces even targeted residents who were not involved in the demonstration. Just off the Fourways roundabout in Bopwe, an old man speaking to his neighbor's wife, facing away from the main road, was shot through the back. The bullet came out of his chest. A witness said:

The old man fell down, and the policeman who had shot him came toward her. He aimed at her and shot her in the leg. She hid among the plantain trees just near her house. The old man was lying on the ground,

⁴⁶ Human Rights Watch interview, Wete, August 10, 2001.

⁴⁷ Human Rights Watch interview, Dar es Salaam, August 3, 2001.

⁴⁸ Human Rights Watch interview, Zanzibar Town, August 1, 2001.

⁴⁹ Human Rights Watch interview, Wete, August 8, 2001.

⁵⁰ Human Rights Watch interview, Wete, August 11, 2001.

⁵¹ Human Rights Watch interview, Dar-es-Salaam, August 3, 2001.

⁵² Human Rights Watch interview, Dar-es-Salaam, August 3, 2001.

⁵³ Human Rights Watch interview, Wete, August 2, 2001.

panting. The police officer came, and poked him with his rifle. “He’s not dead yet. Let’s finish him off.” And they shot him in the chest again. He died.⁵⁴

As the demonstrators dispersed, police, soldiers, and militia pursued demonstrators as they left the main roads, conducting house-to-house searches and beating suspected CUF supporters. In Utaani, a young woman who had not participated in the demonstration had gone to a neighbor’s house at 9:00 a.m., when the shooting was taking place at the Fourways roundabout. On her way back home, she was shot:

I saw people running and soldiers following them. The people were running into the houses to avoid the soldiers, and so I ran, too. The soldiers were firing bullets at people, and the people were coming towards me. Three of them followed us down an alley between two houses. They were five meters behind us, and shooting at us. A bullet hit me in the stomach. Three others were also shot—one in the chest, another in the ribs, and one in the hand. It was as though they just saw you, then they fired at you.⁵⁵

Earlier, the security forces had sought out CUF leaders even before the demonstrators had gathered at the Fourways roundabout, soon after 6:00 a.m. Police and anti-smuggling unit officers broke into the local CUF office at Miti Ulaya and arrested CUF leader Ahmed Seif, beating him with their rifle butts and clubs.⁵⁶ An eyewitness reported seeing Ahmed Seif taken into the police station with ten others who had been arrested.

The police also victimized town dwellers. As police headed to the Fourways roundabout, they noticed four people peering out of the window of a house. They broke down the door of the house, ordered all those inside to come out, including an old woman, and took them to the police station. In another case, a police officer fired his rifle into a window through which three young men were looking at them.⁵⁷ One man found refuge in a house in Utaani. From a window, he saw soldiers shoot two children playing on the steps of a house. Two police also cornered a pregnant woman coming down the alley towards the house and shot her in the stomach.⁵⁸

Between 9:00 a.m. and 10:00 a.m., when demonstrators had already long dispersed, police also used a helicopter to survey the situation. The helicopter circled low over Wete Town, and some witnesses reported seeing a mounted weapon in its doorway, while others described seeing police inside it with hand-held guns. Several witnesses reported seeing Tanzanian police inspector-general Omar Mahita, a large and recognizable figure, in the helicopter.⁵⁹ The helicopter swooped down over the houses in the center of town and later moved out towards the outskirts of Wete.

At Mangwena, a group taking two injured men to safety reported being fired on by the helicopter: “It passed back and forth when we were at Mangwena. It fired bullets at us. We dropped the injured and we ran.”⁶⁰ A farmer from Gando who was transporting wounded demonstrators also saw the helicopter pass and heard gunfire:

I saw a person up close get hit by a bullet from above, from the helicopter. He was hit in the shoulder close to his neck and he died. I saw three policemen in the door of the helicopter. Three people, each with a gun, firing downwards.⁶¹

A man from Mchangamdogo who had bypassed the confrontations and reached the designated meeting ground, suddenly saw his companion fall and roll down to the bottom of the hill. He ran after him, and upon

⁵⁴ Human Rights Watch interview, Wete, August 11, 2001.

⁵⁵ Human Rights Watch interview, Wete, August 3, 2001.

⁵⁶ Human Rights Watch interview, Wete, August 15, 2001.

⁵⁷ Human Rights Watch interview, Wete, August 10, 2001.

⁵⁸ Human Rights Watch interview, Wete, August 6, 2001.

⁵⁹ Human Rights Watch interviews, Wete, August, 2001.

⁶⁰ Human Rights Watch interview, Wete, August 3, 2001.

⁶¹ Human Rights Watch interview, Wete, August 3, 2001.

turning the fallen man's body over, saw that he had been shot in the upper chest and that the bullet had emerged through his stomach. The helicopter had just flown overhead, and no police were in sight on the ground.⁶²

Abuses to Police and Government Property

During the confrontation between the demonstrators and security officers at the Fourways roundabout, angered participants killed one member of the police, Constable Mussa Haji. According to several testimonies, some demonstrators coming from the north trampled the policeman to death, and later an unidentified assailant took a knife to the dead officer's neck, almost completely severing the head from the body. Other witnesses reported that the constable was severely beaten by several demonstrators and then killed by a member of the Blue Guard, the youth wing of the CUF, whose members were to have helped maintain security during the demonstrations. One police officer who spoke to Human Rights Watch said the commanding police officer should have ordered his men to fire on the crowd sooner.⁶³

At least seven other policemen were brought to Wete hospital that morning, for contusions and bruises received when demonstrators threw bricks and rocks at them. A few police may also have been hurt in a fight that broke out between them on Kizimbani road over whether to use live ammunition against demonstrators.⁶⁴ One coastguard (KMKM) officer was also wounded.

Demonstrators also caused damage to property, by throwing rocks and smashing windows of the government-owned Wete Hotel and damaging vehicles belonging to CCM members.⁶⁵

The Government Response

The official version of the events, contradicted by the findings of Human Rights Watch, blamed demonstrators entirely for the violence. According to a statement released by Laurean Tibasana, police commissioner in Dar-es-Salaam, angry protesters converged on the police station in Wete, whereupon security forces followed correct police procedures:

Police fired tear gas at a group of 2,500 protesters coming from the north, but the protesters were undeterred and continued to throw stones and other objects. One policeman, [Mussa] Haji (badge number: E.8510 P.C.), was apparently hit by a stone and subsequently had his throat cut by the mob... When police eventually apprehended the CUF supporters they were discovered to be in possession of machetes, knives, bows and arrows, stones and petrol bombs. Their successful execution of that policeman seemed to give them the courage to attack others... They approached the police station in order to take it over and steal the weapons as well as destroy government property... Police, after seeing that their lives were in danger and after deducing that these people intended to capture the police station and take the weapons, they were forced to fire live ammunition into the air first. This did not seem to deter these people, so then they fired bullets at the legs whereupon, due to bad luck, six people among the attackers were killed, twenty-one people were injured among the attackers and six police.⁶⁶

Micheweni, Pemba Island

Authorities killed an estimated eleven people, wounded fifty, detained over one hundred, and charged thirty-three at Micheweni. Micheweni is a large peninsula located at the northeast corner of Pemba. Micheweni town lies to the north of a several kilometer long stretch of dense forest. It is accessible by only one road—all pedestrian and vehicular traffic must take the road through the forest. Witnesses and victims interviewed by Human Rights Watch had mostly approached from the mainland, across the forested isthmus area toward Micheweni town. Unlike demonstrations in other locations, where town residents accounted for at least a third of the participants, at Micheweni, demonstrators from outlying villages vastly outnumbered those from the town.

⁶² Human Rights Watch interview, Dar-es-Salaam, August 3, 2001.

⁶³ Human Rights Watch interview with police officers, Wete, August 14, 2001.

⁶⁴ Human Rights Watch interview, Wete, August 8, 2001.

⁶⁵ Ibid.

⁶⁶ *Taarifa ya Jeshi La Polisi Kuhusu Matukio ya Maandamano Haramu ya Chama Cha CUF Tarehe*, January 27, 2001, Statement by Laurean Tibasana, Tanzanian Police Commissioner, Dar-es-Salaam, January 28, 2001.

Demonstrators from the south and east were to assemble at the northern mouth of the forest and move together to the school grounds in the center of Micheweni town, passing the Micheweni police station, which faces a rocky area of coral quarries that dips abruptly down into the sea. Demonstrators from the peninsula had planned to simply pass through the town and wait for their counterparts at the school grounds. When demonstrators living on the peninsula discovered that police had lined town roads, and that Micheweni residents had been ordered to remain in their homes, they changed their route. Some 200-300 demonstrators circled through pathways around Micheweni town to meet up on the other side of the town with demonstrators coming through the forest. By the time they reached the mouth of Micheweni forest, their number had risen to over 2,000.

Gathering at the Turn Off for Micheweni

As planned, thousands gathered that morning at the Kilindini turnoff, which approaches Micheweni from the south through a stretch of dense forest. They then began marching toward the town in large groups. Micheweni residents came to the outskirts of town to meet the arriving demonstrators at the northern mouth of the forest.

At 6:30 a.m., a police vehicle drove by and its occupants shot into the air, warning the demonstrators who had gathered at the mouth of Micheweni forest to disperse. When the demonstrators did not do so, the police fired into the air again and then threw teargas into the crowd.⁶⁷ Some 2,000 to 3,000 demonstrators stood firm, as hundreds of other demonstrators, coming from the south, began to emerge from the forest.

One witness described: "Then a policeman began to beat a young man who was with us with a club. He beat him on the head until his head split open and he fell down."⁶⁸ Police began kicking and beating demonstrators using clubs before throwing tear gas pellets at the crowds.⁶⁹ One woman who witnessed the chaos said: "I saw two men being beaten with clubs by police, and fall down. One of them looked dead. I saw him being held up by two demonstrators. I saw that the police were aiming right at us. I saw a man from Mjini Wingwi get shot in the stomach near the hut. He fell down and died."⁷⁰ Other policemen were hiding in the dense foliage of the forest. In one case, a man from Mgogoni was caught by six riot police who beat him with clubs and stabbed his arms and legs with their bayonets.⁷¹ As demonstrators continued to arrive, police cars arrived with reinforcements. As many as fifty armed officers got out of the cars and opened fire on the demonstrators without warning.⁷²

Hundreds of demonstrators from the outlying areas continued to arrive in the midst of the chaos. A man from the Msuka area who arrived at 8:30 a.m. passed injured and dead bodies as his group walked through the forest:

People had already been wounded and beaten. Some of them had been shot. When we got into the forest, we saw a man who had been shot in the stomach. His intestines were hanging out. We took his body, wrapped him in a kanga cloth and got some people to carry him away, but we kept moving forward.⁷³

Police Abuses in Micheweni

Once in the town, demonstrators were met by lines of police, arrayed in front of the police station. As in Wete, police opened fire on the demonstrators, killing several and wounding others. As the crowds dispersed, police together with CCM supporters chased the demonstrators, killing some and severely beating others. By the end of the morning, scores of civilians had been arrested; many others had been wounded but were unable to obtain medical treatment.

⁶⁷ Human Rights Watch interview, Micheweni District, August 14, 2001.

⁶⁸ Human Rights Watch interview, Micheweni District, August 14, 2001.

⁶⁹ Human Rights Watch interviews, Wete, August 11-12, 2001.

⁷⁰ Human Rights Watch interview, Micheweni District, August 14, 2001.

⁷¹ Human Rights Watch interview, Micheweni, August 11-13, 2001.

⁷² Human Rights Watch interview, Micheweni District, August 14, 2001.

⁷³ Human Rights Watch interview, Konde District, August 15, 2001.

Several police climbed into nearby trees and shot down into the crowds.⁷⁴ Behind the police station, a young man who had been heading towards the demonstration was shot in the leg. “People were falling down like chickens that have been poisoned,” one observer said.⁷⁵ Although police had already begun to beat demonstrators, and several demonstrators had already been shot, witnesses told Human Rights Watch that they observed the district commissioner, Ramadhan Shaib, emerge from his house flanked by four policemen during a lull in the violence, and order the police to use force.⁷⁶ Some fifteen to twenty-five police officers were lined up in two rows in front of the police station. The first row knelt down and took aim, while those in the second row remained standing. The police first fired into the air, and then directly into the crowd of demonstrators. A demonstrator near the police station recalled:

District commissioner Ramadhan Shaib walked out of his house with some policemen. I heard him say, “Shoot to kill! Kill them!” We fell to the ground, and those who couldn’t duck in time were shot.⁷⁷

A man from Matangatuani recalled:

We saw the *askaris* [police] kneeling across the road. We were a whole group of no less than 3,000 people coming out of the forest, do you understand? There were women among us. So we put them in the middle, between us, and decided to go forward. After we had taken about four steps, the bullets were raining. An order came from our leaders. They said, “Lie down!” And some of us lay down...[I]t helped us a lot to lie down, I’m telling you. They shot a great many bullets. Those who were not able to lie down there, the ones who ran into the bush, they were shot in the legs, one of them in the back.⁷⁸

As more demonstrators arrived in Micheweni, they reported continued shooting and confusion in the nearby forest. Chande Said was killed near the forest’s mouth. A man who was beside him when he was shot in the head recalled: “His brain came out of his skull. I tried to make him say the *shahada* [administer last rites] but he was just whimpering.” To his right, the same witness reported seeing two other men shot in the leg.⁷⁹ Behind them in the forest, a group from Makangale could hear gunshots as they neared town. One man among them was beaten by two police, one using a club and the other a rifle,⁸⁰ breaking his right arm and causing him to join others in flight.

Beating and Arrests of Fleeing Demonstrators

As demonstrators continued to seek shelter, many of them trying to hide near the site of the violence for fear of being shot as they ran, some sought to move those wounded to shelter and organize taking bodies home. One of those involved in trying to move the wounded stated:

The man who was shot in the chest in the forest, he died in Kinyasini while I was carrying him. I didn’t get his name, but I carried his body. I carried him from Micheweni. And the others who got shot, we chose the bodies according to where they were from, so as to make plans to get them home. I was moving forward, and there was a lot of shooting. We gathered up those bodies and hid them. There were officers watching us, but they let us alone. There is a place in the Micheweni forest where I put four bodies down myself. Hemed, who was shot in the head. I put him there. And another one, a young boy named Khatib. He was shot in the side, near his waist. The bullet came out the other side. He died at four o’clock that day. I had to help him, we all had to help each other.⁸¹

⁷⁴ Human Rights Watch interviews, Konde District, August 13, 2001, and Micheweni, August 12, 2001.

⁷⁵ Human Rights Watch interview, Wete, August 8, 2001.

⁷⁶ Human Rights Watch interviews, Shimoni, Kenya, March 2001, and Micheweni, August 12-13, 2001.

⁷⁷ Human Rights Watch interview, Msukka District, August 12, 2001.

⁷⁸ Human Rights Watch interview, Wete, August 8, 2001.

⁷⁹ Human Rights Watch interview, Micheweni, August 15, 2001.

⁸⁰ Human Rights Watch interview, Wete, August 8, 2001.

⁸¹ Human Rights Watch interview, Wete, August 8, 2001.

While bodies were being removed, some people ran from the road into the forest. Others sought refuge in quarries situated across from the police station. In each area, people reported being beaten, or seeing others beaten, by policemen or CCM supporters.

The quarries are wet, rocky places with ditches and caves. Near the water, the area was muddy and slippery, with patches of quicksand. Mohammed Amour, a teacher from Kinyasini who had been shot in the leg, sought refuge there but got stuck in the mud. Other wounded demonstrators also had difficulty negotiating the terrain. A demonstrator who had been close to Mohammed Amour reported having to leave him behind because CCM members and police officers were closing in: "There is a steep slope of mangrove trees, and because we were afraid and we were running away, we left them behind. Mohammed Amour sank into the mud."⁸² Just outside Kwale, at least three other demonstrators sank into the mud as they ran from CCM supporters. At the forest's edge, one man reported watching CCM members beat demonstrators and throw at least two bodies down into the quarries.⁸³ In another case, a young man passing Kwale was ambushed by CCM supporters armed with clubs and a machete.

They caught him as he was passing and they beat him. They wanted to cut him with the machete. One of them was saying, "Cut his hand off! Cut his hand off!" Well one of them felt pity for him so he took his hand and held it down and said, "Just cut his finger, leave a mark on him." They cut his little finger off.⁸⁴

Three women who had sought refuge in a hut near the hospital were found by a group of five CCM members armed with clubs:

They took us near the hospital, and a hospital worker came out and said, "Let them go now—they haven't done anything." But the *maskans* [CCM members] said, "We are not leaving them. We are taking them all the way to the station. Go back inside and tend the sick, since you work in a hospital!" When we neared the police station...two policemen beat us with branches as we passed. Then inside, those *maskans* took us inside, and then a police officer beat me with a club on the leg, four times. In the police station there were thirty-one men who had been arrested. They were lying on the floor of the station, in a bad condition. There was blood all over the place. Others had their heads split open. Some, you couldn't see their eyes any more. A few old men who couldn't move. We thought they would die in there.⁸⁵

Some time between 9:00 a.m. and 10:00 a.m., a police helicopter, widely believed to be the same helicopter that had earlier circled Wete, arrived in Micheweni. The helicopter flew low over the clearing, circling repeatedly from the edge of the forest to the quarries and back toward the hospital grounds and police station. As the helicopter flew over the quarries and mangroves, it appeared to drop teargas, which particularly affected the wounded that were unable to flee.⁸⁶

After circling, the helicopter landed behind the police station. Some demonstrators hiding nearby saw officers in the helicopter step out and deliver what looked like weapons to the police at the station. A demonstrator being held at the police station overheard a police officer speaking into a radio, apparently to another officer in the helicopter, and calling for more weapons to be brought because they had run out of them.⁸⁷ Other informants said they saw two officers from the helicopter help a policeman load three bodies from the station into a police vehicle.

⁸² Human Rights Watch interview, Wete, August 8, 2001.

⁸³ Human Rights Watch interview, Konde District, August 15, 2001.

⁸⁴ Human Rights Watch interview, Micheweni Region, August 14, 2001.

⁸⁵ Human Rights Watch interview, Micheweni Region, August 14, 2001.

⁸⁶ It is unclear whether the teargas was thrown from the helicopter, or whether the teargas already in the air was dispersed more widely by the helicopter blades when it landed at the police station. Human Rights Watch interviews, Micheweni, August 14, 2001 and August 8, 2001.

⁸⁷ Human Rights Watch interview, Micheweni Region, August 14, 2001.

The demonstration was over by 11:00 a.m. Demonstrators dispersed—some by boat, some taking wounded with them. Others hid in the bush and did not arrive home until late in the afternoon. Fearing arrest, still others hid in distant villages for several days. Some fled Pemba by boat for neighboring Kenya. Police arrested thirty-three people, who spent the night in the police station and were taken to Wete prison the next day. Micheweni forest was cordoned off and was kept under heavy guard for weeks after, remaining off limits to the public. Those who did pass by the area reported an overpowering rotten smell coming from the forest. One week later, two decomposing bodies were reportedly found nearby by villagers.⁸⁸ Human Rights Watch was unable to confirm widespread allegations that the police sealed off areas to conceal the presence of rotting corpses and may have interred bodies in mass graves.⁸⁹

The Security Forces Responsible

At Micheweni, unlike in Wete, the police district commanding officer reportedly ordered the forces under his command not to fire on civilians. His orders, however, were largely ignored by the security forces who had been brought in from the Tanzanian mainland, and were contradicted by the district commissioner of Micheweni, Ramadhan Shaib Juma, who encouraged police to continue the violence against those fleeing and ordered troops to fire upon demonstrators. As reported above, several witnesses told Human Rights Watch that they heard the district commissioner order security forces to shoot and kill demonstrators. In addition, he allegedly led forces into the quarries, encouraging them to continue to use violence against those fleeing.⁹⁰

Civilian supporters of the ruling CCM also took part in the violence. Groups numbering between five and ten CCM supporters were stationed in at least five places: at the edge of quarries, behind the hospital, in the forest, along Mjini Wingwi road, and in Kwale. One CCM supporter from Finya donned a police uniform and sat in a police vehicle next to the police station, pointing out people to the soldiers.⁹¹ One woman reported a CCM group heading towards the quarries and beating people with clubs as they ran away.⁹²

As in Wete, some police and security officials were lightly wounded as demonstrators at Micheweni reacted to the violence. One police officer was allegedly cut with a machete and several residents of Micheweni were charged with assault.⁹³

Chake Chake, Pemba Island

At Chake Chake, security forces fired into the crowd, beat, harassed, robbed and raped demonstrators and local residents. Human Rights Watch believes that about five people were killed while over one hundred were injured, and fifty-seven were arrested. The town, with a population of 10,000, is the regional administrative center for southern Pemba and a major crossroads. Demonstrators were instructed to gather five kilometers north of town at Gombani Stadium and march at 8:00 a.m. to the Tibirinzi football field just north of town center for a rally by local CUF officials.

Most CUF supporters from southern Pemba were ultimately prevented from reaching Chake Chake, where they intended to join the demonstration. An estimated 10,000 demonstrators from the rural areas of Mkoani were turned back by police manning roadblocks at the town of Mtambile, twelve miles south of Chake Chake. Hundreds of them were beaten by police, and almost one hundred, including women, were arrested.⁹⁴

The authorities ordered local residents in and around Chake Chake to remain in their homes. A police force of about 250 had been on standby from the night before; guns, live ammunition and rubber bullets were issued to the mainland police who had recently been brought in and to the local police. During the night, seven police roadblocks were set up on the routes leading into the town, including at Machomanne on the demonstration route

⁸⁸ Human Rights Watch interview, Wete, August 8, 2001.

⁸⁹ Human Rights Watch interviews, Wete, August 8, 2001 and Shimoji, Kenya, March, 2001.

⁹⁰ Human Rights Watch interviews, Micheweni, August 10 and 14, 2001.

⁹¹ Human Rights Watch interview, Micheweni, August 10, 2001.

⁹² Human Rights Watch interview, Micheweni, August 14, 2001.

⁹³ Human Rights Watch interview, Micheweni, August 10, 2001.

⁹⁴ Human Rights Watch interviews, Mkoani, August, 2001.

and on either side of the Tibirinzi field where it was scheduled to finish. At the roadblocks, police turned away vehicles and people on foot, sometimes using violence. One businessman reported:

When we got to Chanjani [three kilometers south of the town center], there was a roadblock manned by ten policemen with rifles. They yelled at us to get out and started saying that we were planning to go to the demonstration, but we would see, they were going to smash it. I tried to tell them I just wanted to go home, but they started beating me with clubs all over, on my face and on my legs; finally I ran away.⁹⁵

Another resident said:

When I tried to go to my neighborhood mosque for dawn prayers I was stopped by three policemen with guns who refused me entry and told me to pray at home. Then I went to the local branch office of CUF to meet my friends at 6:30 a.m. to wait for the demonstration to pass by. But six policemen in FFU uniform drove up and started shooting in the air. When we told them we only wanted to have a peaceful demonstration they began shooting us with rubber bullets, and one man named Ghalib was shot in the back.⁹⁶

According to one witness: "Police beat everyone they could catch, and then ransacked the CUF office. With all roads blocked, demonstrators made their way to Gombani from all directions by following hidden paths."⁹⁷ A young man who was beaten and arrested by the police stated:

We were in a group of twenty men, women and children following a small path near Machomanne when we were spotted by a police lookout with a radio stationed on an apartment building. Then a police car drove up quickly and ten policemen jumped out, shooting into the air. They told us, "Hands up," so we stopped quietly, and then one policeman just came up and shot my friend Habib [Salim Khamis] in the stomach. He fell down and died right there. I was beaten and arrested.⁹⁸

The police officer who shot Habib was transferred to the mainland soon afterward. Another witness noted:

When the police had surrounded us, there was one policeman whom I knew really well. He knew that I had recognized him and saw what he was doing, so he tried to kill me. He took a large club and hit me on the head three times until I was unconscious. Later, when I was taken to the police station, he saw that I was still alive, so he grabbed a large club and tried to smash me, but a corporal pushed him away and complained, "Do you want to kill in the police station?"⁹⁹

An elderly woman attempting to walk by a checkpoint was also beaten severely and arrested.

One policeman came towards me because he knows me and I know who he is. He started beating my back with a club, so I tried to run away, but he came after me and he hit me on the head...I was barely conscious, but he came and dragged me little by little to the road. I was thrown in a truck and I passed out.¹⁰⁰

Another woman was ambushed by police hiding in the bushes. She and four others were beaten and then forced to hop like frogs with their hands behind their heads until they got to the road, where they were taken to the police station.¹⁰¹

⁹⁵ Human Rights Watch interview, Chake Chake, August 11, 2001.

⁹⁶ Human Rights Watch interview, Chake Chake, August 14, 2001.

⁹⁷ Human Rights Watch interview, Chake Chake, August 14, 2001.

⁹⁸ Human Rights Watch interview, Chake Chake, August 11, 2001.

⁹⁹ Human Rights Watch interview, Chake Chake, August 15, 2001.

¹⁰⁰ Human Rights Watch interview, Chake Chake, August 6, 2001.

¹⁰¹ Human Rights Watch interview, Chake Chake, August 6, 2001.

Residents of Machomanne were terrorized in their homes by the police stationed at the roadblock under the command of a district officer. The police harassment and assaults began the night before the day of the planned demonstration. Police forcibly entered the home of one elderly man on the evening of January 26. He described what occurred: "We were watching television when the police burst in and accused my children of having teased them. They beat all of my children, especially my son, who is partially paralyzed. Then they left."¹⁰²

Next morning, before 6:30 a.m., police first dispersed a group of CUF supporters by firing rubber bullets at them and then ransacked the CUF branch office. They also fired at least ten tear gas shells into the neighborhood, one of which landed in the courtyard of a young dairy farmer's home:

I was forced to run outside with my pregnant wife and baby, where seven policemen wearing FFU uniforms started to beat us hard. They broke my wife's finger and threw her down and turned her over, and then one policeman yelled, "Shoot him now to finish him off." But then a policeman from around here started beating me harder and took me to the road and threw me in a truck from the Agriculture Department, and some National Service members took me to the police station.¹⁰³

His wife added:

After beating my husband they told him to get up, but he couldn't stand. So they forced him, yelling, "Shoot him in the feet if he doesn't walk." Then they beat him on both legs until he was bleeding a lot. One of them had a huge fat club...He hit me on the head with it so hard that it bounced. They tried to pick me up, but they couldn't, because I was nine months pregnant and I couldn't walk, so they left me there. When I gave birth, the baby's eyes wouldn't open for a month.¹⁰⁴

Police at the Machomanne roadblock broke into several nearby homes even before any demonstrators arrived, beating residents and looting. Ali Juma Ali, age twenty-four, was at home when at least four policemen broke into his house. They beat him severely, breaking his leg. He received no medical treatment except for some first aid provided by a traditional healer and died from his injuries on February 6, 2001.¹⁰⁵

At the demonstration site, several thousand people assembled at the starting point for the rally at Gombani, and set off at around 7:00 a.m. as planned. The demonstrators were carrying banners and singing party songs and were peaceful as they passed the football stadium and TV tower, both guarded by security forces. They encountered a police roadblock at around 7:30 a.m. at Mkanjuni. Protesters had been told by the demonstration's CUF organizers that they should wear a white cloth on their arm and carry a bag of water to clean their face in case of tear gas, but not to carry weapons.

The police formed a double row, with those in front on one knee and those behind standing. Demonstrators halted within one hundred yards of the police, and the CUF district secretary used a bullhorn to explain that they wanted to pass by peacefully on their way to the soccer field. Then, without warning, policemen shot into the crowd. One eyewitness said:

When the police started shooting, people said, "Don't be afraid; it's only blanks. But I looked around and saw two of my neighbors had fallen down and another was shot in the arm. So I held one of the injured, Said Kassim from Gombani, who had been shot through the mouth, until he died. We carried him to the side of the road and a woman covered him up. I tried to help Ali Haji, who had been shot in the pubic area. We carried him to the side, but he also died a little later. Then two army defender trucks drove up and everyone started to run away when they saw soldiers with their guns."¹⁰⁶

¹⁰² Human Rights Watch interview, Chake Chake, August 15, 2001.

¹⁰³ Human Rights Watch interview, Chake Chake, August 11, 2001.

¹⁰⁴ Human Rights Watch interview, Chake Chake, August 6, 2001.

¹⁰⁵ Human Rights Watch interview, Chake Chake, August 15, 2001.

¹⁰⁶ Human Rights Watch interview, Chake Chake, August 14, 2001.

Three army trucks appeared. One stopped at the roadblock, while two others drove into the crowd of demonstrators. Some soldiers dismounted and chased demonstrators. Other soldiers shot into the air or into a banana grove where people were hiding, causing more injuries.

Soldiers then began looting homes, as police fanned out to chase down, beat and arrest demonstrators. A resident of Batini, a village about one mile away from the road, told of one youth from the village of Furaha who was killed by the police. The neighbors saved his bloody clothes and shoes as evidence:

They grabbed him and started beating him. Then they searched him and found a pocket-knife attached to a key chain. So they started to cut him up with it. There was so much blood! Then they tied him up and dragged him behind a truck. It is said that he died and the police threw him in the bushes. His body was found later.¹⁰⁷

After the police opened fire, some demonstrators responded by throwing stones at the police. At least one youth was carrying a bottle filled with petrol, but he did not throw it and no police officers were reported to have been injured. After dispersing the demonstrators, police abused local residents during the following two days, beating anyone found outdoors, and conducting house-to-house searches, breaking down doors, looting, raping, and sexually assaulting a number of women and girls (See section on Rape and Sexual Abuse).

Zanzibar Town, Unguja Island

The fourth demonstration, planned for the capital city of the islands, Zanzibar Town on Unguja Island, was prevented from occurring, and was also put down violently. Again, exact figures were not available, but Human Rights Watch believes that at least five people were killed by the police; in addition, some 373 were arrested and over 300 were injured. Police arrested anyone found outside their home, and hundreds of residents were beaten by police within their own homes, as well as in police stations, the courthouse and the jail. With a larger police presence in the capital, the authorities were better able to stop any gathering before it could start.

Prior to the planned demonstration, some 600 police and some 600 FFU officers were deployed in Zanzibar Town, including 200 of the mainland forces who had been moved to Zanzibar in advance of the October 2000 election (and who were returned to the mainland in February 2001). Armed soldiers, National Service members and local militia also took part in the operations. According to one police officer interviewed by Human Rights Watch, "There was no expectation that the demonstrators would cause any problems, and there was no disturbance, apart from that caused by the police. We were not afraid of violence at all. It was the police that started all of the problems."¹⁰⁸

The demonstration was planned to begin at the Mnazi Moja football grounds and then follow Darajani Street for less than one mile to Malindi football field. Police were deployed before dawn. Roadblocks were set up along all the major roads into the town, while other police and FFU were stationed at major intersections. According to one policeman:

We were "pumped up with anger" so that we would be ready for the operation. Whenever someone appeared, in a car, in a minibus, coming to the demonstration in town, they were made to get out of the car and they were taken in the police trucks to the station. To tell you the truth, people were beaten up really badly with clubs.¹⁰⁹

A film crew from TVZ, Zanzibar's only television station, drove around in a van filming anyone on the streets, raising fears that the film could be used to identify people for arrest, as has reportedly occurred in the past. As the van passed through Mlandege neighborhood, some young men threw stones at it, apparently breaking the

¹⁰⁷ Human Rights Watch interview, Chake Chake, August 14, 2001.

¹⁰⁸ Human Rights Watch interview with police officer, Zanzibar Town, August 1, 2001.

¹⁰⁹ Human Rights Watch interview with police officer, Zanzibar Town, August 1, 2001.

camera, and forced it to depart.¹¹⁰ Some unknown masked residents of the town's Vikokotoni neighborhood, presumed to be CUF supporters, went to the local administrator's (*sheha*'s) house (see section on Complicity of the Ruling Party) in the early hours of January 27, dragged him out and beat him in street so severely that he required hospital treatment.¹¹¹

At 7:00 a.m., a group of 200 demonstrators gathered outside the CUF's headquarters and attempted to make their way to the demonstration starting point. However, those who attempted to circumvent police roadblocks were punished if caught. One group of twenty-five who tried to take another route from the CUF building were beaten and arrested:

A group of police yelled, "Hands up" and told us to sit down. We were surrounded by thirty-five to forty police. They started beating us with batons and clubs and bicycle chains; my leg was fractured there. Then the police started singing [anti-CUF songs] and they made us sing...If you didn't sing you were beaten more, and some people lost consciousness.¹¹²

Those demonstrators who managed to reach Darajani Street were confronted by twenty police with rifles standing in a line. One witness reported:

They were at the taxi stand only about thirty meters from us. I didn't hear any warning. They just shot at us. One Pemban died right there; the bullet went in one ear and out the other. He was about twenty-eight-years old. We picked up his body and ran back to the [CUF] headquarters.¹¹³

Another of those present told Human Rights Watch: "They started firing live ammunition into the crowd. Two young men were killed right there, and I was shot in the hip."¹¹⁴

One young man, was taken from his home, beaten, and then mauled by a police dog:

I was woken up at 9:00 a.m. when the police started banging on the door. My friends and I climbed into the ceiling, but when the police broke down the door, they pulled us down and started beating us with clubs. They made us sing CUF songs, but if you didn't sing they beat you, and if you sang they beat you. Then they marched us to the Mlandege police post and made us lie down. There were at least fifty people lying on the ground encircled by policemen. Then a fat, light-skinned policeman came up. I heard later he was an FFU officer. He had a police dog on a leash. He shoved the dog at me and told it, "Bite him!" The dog bit into my forehead; he bit all of the skin off, and it really hurt. I couldn't see anything because a flap of skin fell over my eyes, and it was bleeding.¹¹⁵

VI. THE AFTERMATH: VIOLATIONS CONTINUE

Assaults on the Wounded and Those Assisting the Wounded

Police continued to fire, even at people who were clearly wounded and posed no threat to them. In some cases, security officers approached and extrajudicially executed injured persons who were lying on the ground and defenseless, as in Wete. In Wete, police also fired on those attempting to carry wounded victims from the scene. In Chake Chake, Micheweni and elsewhere, police prevented people from taking the wounded or dead bodies of those whom they knew.

¹¹⁰ Human Rights Watch interview with police officer, Zanzibar Town, August 9, 2001.

¹¹¹ Human Rights Watch interviews, Zanzibar Town, Zanzibar, August 9 and 16, 2001.

¹¹² Human Rights Watch interview, Zanzibar Town, August 9, 2001.

¹¹³ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

¹¹⁴ Human Rights Watch interview, Zanzibar Town, August 1, 2001.

¹¹⁵ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

One fifty-year-old schoolteacher in Wete saw two of his relatives shot at the roundabout, one in the arm and the other in both legs, one by a police officer and the other by a coastguard officer. “One man on my left was caught by a bullet and fell down. When I wanted to drag him away, a policeman said, ‘If you touch him I will kill you.’”¹¹⁶ Another man who had come from Gando into the town saw bodies bear the government flats:

When we reached town...we found corpses that had already been shot, scattered about the road. I came across four bodies. One of them died in my arms. I took it because I wanted to see if the person was not so badly injured, and take him and hide him and make arrangements for him to get treatment. I saw that his intestines were hanging out; he was finished. I found another who was stretched out. I found he was also shot in the stomach. It was like a huge boil, swelling and the intestines poking out, but I thought he could get better. So I tried to pick him up, but he was shot again with more than seven bullets while I was holding him and trying to drag him away. That’s when the two bullets went through my coat. I dropped him. I left him there and I ran away. He died. Those other two corpses I didn’t reach. On the road I had already passed two corpses being carried away. There with my own eyes I saw four more.¹¹⁷

In Kipangani, Wete, police shot a seventeen-year-old named Abeid near the central market, then prevented his relatives from helping him, leaving him to die on the street. Abeid had left his home that morning to buy bread but was stopped by five coastguard officers. According to a witness: “They made him squat and leap like a frog. Then they told him to run away. He was running away when they shot him.”¹¹⁸ Badly wounded, Abeid managed to seek refuge in a nearby house. Three relatives tried to fetch and assist him, but they too came under fire:

Abeid was in the house, lying on the ground. I called to him, and he said, “Yes my brother, I am dying. I’m in pain.” He showed me his stomach and his back. We put him on a rope bed and were taking him home. We crossed the street near the Friday Mosque and the KMKM came out. They said, “Stop!” and shot about six rounds into the air with their guns. We didn’t agree to stop. Abeid was dying. But they kept shooting, and finally one of us dropped his end of the bed and ran away. I slipped into a nearby house and watched. I heard the KMKM talking to Abeid. They said, “You see? Do you see what happens when you follow CUF? They’ve run away and left you, and now you’re dying. Look, you’re dying.” They dragged his body to the middle of the road and left him there in the sun until he died.¹¹⁹

Denial of Medical Care to Wounded

Many of the hundreds injured by the police were initially unable or unwilling to seek medical care for their wounds, including broken bones and bullet injuries, at any of the three government hospitals on Pemba. Along the roads in Pemba, members of the security forces turned away cars carrying wounded people or else arrested those wounded, but denied them medical treatment. Hospital staff were reportedly ordered not to send out ambulances, and in some cases, police deployed at hospitals tried to prevent doctors from treating the wounded. Many of the wounded were obliged to seek treatment from traditional healers, or were taken by boat, often days later, to Mombasa, Kenya, for medical treatment. In northern Pemba, over 200 people who had been wounded went without medical treatment for days, hiding in villages far from their homes for fear of arrest. At its Unguja Island headquarters, the CUF provided a doctor and medicines some of those injured. Some of the wounded, however, were taken to hospital by police in the days after the demonstrations.

In Tanzania, written police authorization is required before state-run hospitals will treat injuries such as broken bones, bullet or other serious wounds, on the grounds that the police need to be informed when a person requiring hospital treatment may be the victim or perpetrator of a violent crime. Thus, in order to obtain hospital treatment, a person suffering such injury must first obtain an official form (a “PF-3”) from the police confirming that they have been informed. Following the Zanzibar demonstrations, this requirement of first reporting to the

¹¹⁶ Human Rights Watch interview, Shimanzi, Kenya, March 2001.

¹¹⁷ Human Rights Watch interviews, Wete, August 3, 2001, and Shimanzi, Kenya, March 2001.

¹¹⁸ Human Rights Watch interview, Wete, August 13, 2001.

¹¹⁹ Human Rights Watch interview, Wete, August 13, 2001.

police deterred wounded people from seeking needed hospital treatment for fear that the police would simply arrest them.

Amid widespread allegations of denial of medical attention to the wounded, Tanzania's Ministry of Foreign Affairs and International Cooperation stated in a press release on January 30, 2001:

The hospital in Pemba administers treatment to everyone without discrimination or conditions of any kind. There are reports that some followers of CUF who were injured during the disturbance that they caused are afraid to go to the hospital for fear of being arrested by the police. The government wishes to reassure them that it has no intention of arresting them.¹²⁰

Despite this assurance, Human Rights Watch was informed of many cases in which Tanzanian security forces had prevented people from taking wounded people to hospital. According to one, a woman who had borrowed a car in order to convey four wounded people to hospital in Wete stated:

We asked for the loan of a car so that we could take the wounded to hospital. When we reached the main road we were stopped by police. "Where are you going?" We told them that we were taking wounded to the hospital. They pointed a pistol at us and told us, "Reverse the car or we will finish everyone who is in the car." We had no option but to reverse the car.¹²¹

Another, a man who sought to take six wounded people from Jadida to Wete hospital at 9:00 a.m. on January 27, 2001, reported a similar experience:

When I arrived quite close to the hospital, near the Friday Mosque, the police stopped the car [One policeman] said, "Where are you going?" I replied, "I'm going to the hospital." He asked what I had in my car, and I said, "Wounded." Then he looked into the back of the car, saw the other people in the car and told me to go back where I came from. I thought he wasn't serious, and began to move forward, then he took out his gun placed it at the window and said, "If you move, I shoot."...We had to go back.¹²²

In Micheweni, Rashid Khaled, a former CUF member of Zanzibar's House of Representatives, volunteered his car to take four wounded people to Chake Chake hospital as the demonstration broke up. One of the four died while being placed in the car, but Khaled and his companions then drove toward Chake Chake with the three wounded and the dead body until they were stopped by a police roadblock at Machomanne. Here, seeing that there were wounded in the car, a police officer seized the vehicle's ignition key, ordered the occupants out of the car and told his men to beat them. They were made to lie on the ground and were then beaten on the back and shoulders with clubs, and told: "You have done your demonstration, and you have already killed your fellow demonstrators. Now you want to take them to the hospital to say that we are the ones who killed them!" Khaled and the others, including the three wounded, were then taken to Chake Chake police station and charged with demonstrating illegally and the murder of a police officer. The wounded were subsequently transferred to the hospital later that day. The criminal charges against them were eventually dropped as part of the October 2001 agreement between the government and CUF.¹²³

Police were deployed at hospitals and in some cases sought to intimidate medical staff and interfere with their work. At first, Wete hospital's ambulance went out unhindered to pick up wounded and transfer some patients, including a man who had been shot in the hand, a woman with a bullet in her ankle and a third person who had been shot in the pelvis, to Mkoani hospital in south Pemba, and the ambulance was able to pass through police roadblocks without interference. Later, however, the hospital administration instructed medical staff that

¹²⁰ *Muhtaari wa Ufanuzi Kuhusu Maandamano Haramu ya CUF Visiwani na Bara Tarehe 27, 2001* Wizara ya Mambo ya Nje na Ushirikiano wa Kimataifa, Dar es Salaam, January 30, 2001.

¹²¹ Human Rights Watch interview, Shimoni, Kenya, March 2001.

¹²² Human Rights Watch interviews, Wete, August 6 and August 14, 2001.

¹²³ Human Rights Watch interview, Wingwi, August 14, 2001.

the ambulance should make no further trips out of the town, although this order was apparently ignored.¹²⁴ The police then began to harass ambulance workers as they continued to pick up the wounded around Wete. One witness recounted:

I was in a house close by and I saw the ambulance workers being yelled at by the police. The police said, “What’s the point of taking these people? Don’t take them.” And the ambulance went away. So we took the injured on rope beds to the sea and sent them to Mombasa [Kenya].¹²⁵

Throughout the week, Wete’s hospital remained under heavy guard. A woman who was shot in the leg recalled groups of police patrolling the women’s ward:

There was very tight security. The police insulted us. They said we weren’t human beings. Five or six of them came in and aimed their rifles at us. They threatened to finish us off, and told us that we were not worth the treatment we were getting.”¹²⁶

Another woman said she was accompanied to the toilet by an armed policeman who insisted on watching her urinate.¹²⁷ All patients with bullet wounds were made to sign police statements and charged with either participation in an illegal demonstration or murder of a police officer. Many were released from the hospital directly into police custody.

Of all Pemba’s hospitals, Abdallah Mzee Hospital in Mkoani was the quietest throughout the months that followed the demonstrations although it is managed by a Chinese medical team and is the only hospital in Pemba with a functioning operating theatre and possesses more plentiful medical supplies. Those who were treated there for wounds sustained in the demonstrations were charged with illegal conduct and made to sign statements by police while in the hospital, although the Chinese medical staff frequently intervened to stop police interrogating or harassing patients. One patient who spent two months at the hospital reported:

There were about ten policemen on the grounds, from Kengeja, Mtambile, and Mkoani. Four police officers would patrol the ward. They came in three shifts. After one and a half months, they were reduced to three per ward, then two, with only one of them armed. Some of the police in the hospital were local and they were not too bad. But there was one from the mainland, and he was very cruel.¹²⁸

Police beat a number of those injured in the demonstrations in custody after detaining them, particularly when they were brought to police stations. At the entrances of Chake Chake, Wete, and Madema police stations, and at Wete prison, police lined up and assaulted detainees as they filed in. One detainee from Mtambwe, Wete, told Human Rights Watch that he begged not to be beaten as he had already sustained a gunshot wound to the arm and a machete cut to his head, but prison guards told him: “We want you to die; you don’t need treatment if you’re going to die.” After three days in prison, he was allowed to go to the prison clinic; there, the government doctor told him: “We want you to die; we want all Pemba to die,”¹²⁹ but did treat him with antibiotics.

One detainee told Human Rights Watch that he had been held at Madema police station, Zanzibar Island, for five days without receiving any medical care although he had received serious injuries.¹³⁰ Another informant recounted: “They arrested me and put me in jail at Malindi police station. There was no food. Maybe you had food brought from home; sometimes they [the police] ate it, sometimes they threw it on the floor, sometimes they gave it to you.”¹³¹ In a further case, a detainee who had been beaten unconscious and arrested in Micheweni said

¹²⁴ Human Rights Watch interview, Wete, August 12, 2001.

¹²⁵ Human Rights Watch interview, Wete, August 3, 2001.

¹²⁶ Human Rights Watch interview, Wete, August 9, 2001.

¹²⁷ Human Rights Watch interview, Wete, August 10, 2001.

¹²⁸ Human Rights Watch interview, Dar-es-Salaam, August 3, 2001.

¹²⁹ Human Rights Watch interview, Wete, August 6, 2001.

¹³⁰ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

¹³¹ Human Rights Watch interview, Zanzibar Town, August 1, 2001.

he was held for five days at the police station without receiving any medical assistance, although on the day following the demonstration he was issued with a police form to enable him to obtain treatment at the hospital in Mkoani, only for this to be taken away again by police who then returned him to the cells at Micheweni police station. Four days later he was taken to court and sent to prison for another twenty-eight days, also during which he received no medical treatment.¹³²

There were some notable exceptions to this pattern of denial of treatment and abuse. Acting on his own initiative, one police officer at Madema police station took three groups of prisoners to hospital, some of whom were accepted while others were turned away, before he was stopped by other police. The officer concerned was later suspended.¹³³

Some of those wounded were wary of seeking assistance from the Tanzanian Red Cross Society (TRCS), in which prominent members of the ruling CCM hold senior positions, perceiving it to be linked to the government.¹³⁴ Further, virtually all of Pemba's nearly seventy TRCS Pemban volunteers belonged to the CCM, adding to this perception. This hindered the ability of TRCS staff who came from Dar-es-Salaam to assist the wounded, although a Wete hospital worker told Human Rights Watch: "The TRCS was active. They collected bodies throughout Pemba. When they came from Dar [-es-Salaam] to Wete they did good work. The problem is that people here don't trust them."¹³⁵ Another observer noted: "There is no trust among the people that the [Tanzanian] Red Cross is impartial. They think they are part of the Tanzanian government."¹³⁶ In Wete and Micheweni, local people were reported to have run away when they saw the TRCS's vehicle, fearing that it contained police or soldiers, and were reluctant to let TRCS staff know about wounded people, fearing arrests, even though there were hundreds suffering from bullet wounds, broken limbs or cuts who were without professional medical treatment.

Round ups and Arbitrary Arrests

Within days, the police cells were overcrowded with hundreds of detainees, most held without charge. In the aftermath of the demonstrations, groups of army, police, and militia launched house-to-house sweeps, rounding up CUF party activists and abusing residents. Many interviewees reported hearing sporadic gunfire through the night of January 27, 2001, and the following two days.¹³⁷

Those arrested included some who had not participated in the demonstrations, such as Ally Hussein, a musician well known for playing at CUF rallies, who was detained by police at his home in Wete. Nevertheless, he was charged in connection with the murder of the police officer at the Fourways roundabout.¹³⁸ The charges were eventually dropped as part of the October 2001 agreement between the government and CUF.

The following day in Utaani, police and FFU officers arrested Wete district's CUF party chairman, Suleiman Seif:

¹³² Human Rights Watch interview, Micheweni, August 10, 2001.

¹³³ Human Rights Watch interview, August 9, 2001.

¹³⁴ The TRCS's National Chair, Abdul Rahman Kinana, is a retired army colonel who served as President Mkapa's campaign manager in the 1995 and 2000 elections (both of which were characterized by state-supported interference and, in 2000 with violence against Zanzibaris). In January 2001, five executive members were CCM members of parliament (MPs): Makongoro Mahanga, the TRCS's regional treasurer for Dar-es-Salaam, MP for Ukonga; Leonard Derefa, a member of the TRCS national executive committee, represented Shinyanga Urban; the TRCS chair for Shinyanga, Bhiku Lukindagila, was MP for Solwa; Lydia Boma, the TRCS chair for Mtwara, as well as Zainab Gama, a member of the TRCS national managing committee, were both awarded 'special seats' in parliament through the CCM Women's Wing. Additionally, the former TRCS deputy field operations coordinator, Abdula Lutavi, served as MP for Tandahiba. The TRCS regional field officer for Zanzibar was another prominent CCM member, Omar Makame.

¹³⁵ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

¹³⁶ Human Rights Watch interview, Dar-es-Salaam, August 4, 2001.

¹³⁷ Human Rights Watch interviews, August 8 - 13, 2001.

¹³⁸ Human Rights Watch interview, Dar-es-Salaam, August 3, 2001.

They just broke down the door and came in. They told me to go outside. They told me to raise my arms in the air and go to the CUF secretary's house. I raised my arms and they beat me with clubs all the way, saying, "You have committed murder—today we are going to murder you." They told me to lie down on the ground and roll around. I did. They took our secretary's husband from his house and made him roll around on the ground beside me. Then they took a gallon container of water and poured it on us. Then they told me to sing. One of them was aiming a gun at me. [They] made me run to the House of Representatives while I sang. At the House of Representatives there were about one hundred police and militia members. They came running at me with weapons ready, clubs and rifles. I fell to the ground then and told them "Please, just kill me now, finish this." But their chief said, "Don't kill this one, I want him." Then they made me run as fast as I could to the police station, where I was beaten by two policewomen with clubs. They beat me on the head, saying, "This one hasn't been beaten enough yet."¹³⁹

By the night of January 27, 2001, hundreds were in custody in Wete. In Zanzibar Town, police entered dozens of homes and arrested perceived opposition supporters, often apparently tipped off by pro-CCM neighbors, and charged them with "participating in an illegal demonstration." Some CCM members in Wete did not collude in the police round ups, however, and in some cases protected the wounded. In Chasasa, for example, a local CCM member who was asked by the local administrator (*sheha*) and police to point out where CUF leaders and wounded were hiding in the neighborhood, refused to do so, feigning ignorance, although he knew some were hiding next door.

Local residents were abused by security forces as they conducted house-to-house searches. One man was beaten and then forced to lie on the ground outside Mlandege police station on Unguja Island from 10:00 a.m. to nearly 4:00 p.m. on January 27, 2001. Another detainee, who was suffering a severe bite inflicted by a police dog, stated:

We were made to lie down in a police truck like bags of rice and the policemen were stepping on us. When we got to Madema, I couldn't see anything, but I was beaten by policemen when I got out of the truck to go into the station. One old policeman took pity on me and told someone to take me to a hospital. That was around 3:00 p.m. and I had been bitten at 9:00 a.m.¹⁴⁰

Political tensions were exacerbated by religious differences. Police and soldiers reportedly used abusive anti-Muslim speech when conducting house searches, and in some police stations, prisoners were beaten for trying to pray. Women who used water allotted to them to conduct ablutions for praying were reportedly beaten for 'wasting water' and told that praying was not allowed in prison,¹⁴¹ while a detainee who used an Arabic saying after sneezing in court was fined by the judge and told: "There's no thanking God in here."¹⁴² In Wete, a woman whose husband was sought by police, said an officer beat her elder sister, a woman in her sixties, on the head with a club:

"*Mtume!* (The Prophet Mohammed)" she said. The police started saying that the Prophet had no office here. "There will be no praying here!" And they kept beating her on the head and shoulders.¹⁴³

In Chake Chake, eight women who had been hiding in a house and were praying when police broke in, said police told them: "You Muslims act like we are barbarians, do you? We just killed someone because he was praying like you are, and if you pray now we will kill you."¹⁴⁴ In another case, police searched and then looted a woman's house:

¹³⁹ Human Rights Watch interview, Wete, August 12, 2001.

¹⁴⁰ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

¹⁴¹ Human Rights Watch interview, Wete, August 8, 2001.

¹⁴² Human Rights Watch interview, Micheweni, August 8, 2001.

¹⁴³ Human Rights Watch interview, New York, July 27, 2001.

¹⁴⁴ Human Rights Watch interview, Chake Chake, August 6, 2001.

They asked for the men, but I told them that there are no men living in the house. I was saying a prayer while they were searching, but they yelled at me, "Don't mention Allah. There is no god except for [Tanzanian President] Benjamin Mkapa!"¹⁴⁵

Rape and Sexual Abuse

In the aftermath of the demonstrations, as the police made their rounds from house to house searching for demonstrators and opposition supporters, there were cases of rape and other instances of sexual abuse perpetrated largely by the militia as well as police. After the round-ups, sexual abuse also occurred in the prison holding cells.

In Wete, militia members sexually assaulted both men and women in the course of house-to-house searches. One woman told Human Rights Watch that she was living with her three young children when five men came to her house after nightfall on January 27, 2001, one in an army uniform and the rest in green militia uniforms, but all wearing black stocking masks over their faces. After breaking down her door and searching, they took her gold jewelry and several items of clothing. Then, while the militia searched, the soldier pointed his rifle at her chest and pushed her into her bedroom. Two militiamen then removed her clothes and the soldier pushed her down onto her bed with his rifle, where she was raped in turn by two militia while the others watched and her children cried in the hallway. They threatened her that they would return the next day, and the next.¹⁴⁶

Militia members reportedly raped at least four girls in the Wete neighborhoods of Limbani, Kipangani, and Bopwe. A female high school student was reportedly raped in her home by militia members while police watched. In Chake Chake, four armed and masked police wearing FFU uniforms forcibly entered a woman's house in the morning of January 27, 2001, and demanded to know where her husband was:

One of them began to beat me on the head and neck until I was dizzy and fell down. Then he picked me up twice and dropped me on the ground. He said, "If you want us to leave you alone, give us money"...Then the policeman pulled up my dress, and then he inserted his finger inside me and told me to urinate. My relative told them that I couldn't have sex, and gave them U.S. \$50, but they wanted more, so I got them U.S. \$120, and then they left. We hid inside for two days and heard a local policeman leading mainlanders to the houses of CUF members and telling them to rob and harass Arabs.¹⁴⁷

Another woman was alone with her daughter when a dozen police kicked in her door and headed straight for her bedroom. While some searched through her things, taking her watch, money, gold and other valuables, others ordered her to lie down. When she refused, they told her, "We've already had your neighbors; we've fucked them. Why are you too good for us?" Then one told her small daughter, "Take off your clothes!" When she refused, they kicked her and beat her with a club. Then they left.¹⁴⁸ Human Rights Watch heard other reports of at least three other rapes in Chake Chake, including those of a mother and daughter.¹⁴⁹

According to police officer from Zanzibar Town, who spoke to Human Rights Watch under conditions of anonymity, police also sexually abused and assaulted detainees in holding cells:

The situation was very bad; there was a lot of confusion. Police were going into cells and treading on people and beating them. They [the female prison guards] were doing things to them that are unacceptable, such as searching women, grabbing their buttocks, genitals, breasts. The cells in Madema are designed to hold thirty people, but there were more than 200 in there.¹⁵⁰

¹⁴⁵ Human Rights Watch interview, Chake Chake, August 19, 2001.

¹⁴⁶ Human Rights Watch interview, Wete, August 10, 2001.

¹⁴⁷ Human Rights Watch interview, Chake Chake, August 11, 2001.

¹⁴⁸ Human Rights Watch interview, Chake Chake, August 7, 2001.

¹⁴⁹ Human Rights Watch interview, August 8, 2001.

¹⁵⁰ Human Rights Watch interview with policeman, Zanzibar Town, August 1, 2001.

In Wete prison, police inserted twigs and sticks into the anuses of male prisoners as they searched them. According to one witness:

We were stripped in front of all the askaris [police]. We were fully searched, our entire bodies. They also search in your private places. Women were searched in another area. Sometimes an askari would use a stick to do the [anal] searching, then show that stick to others. I know the guards who did this by name.¹⁵¹

House Searches, Looting and Destruction of Property

While carrying out house-to-house searches, police and other forces threatened residents, looted and destroyed property, beat and arrested people found out of doors, and raped a number of women, particularly targeting known opposition supporters, the wealthy, and people of Arab origin. In Chake Chake, forty-three people claimed to have experienced losses in excess of U.S. \$28,000 due to police damage to property and looting.¹⁵² In Wete, on January 28, 2001, police and militia looted Wete market, carrying away mangoes, grains, rice, and other foodstuffs.

As hundreds of men fled their homes to avoid arrest, many women who were left home alone faced violence at the hands of security forces and their CCM accomplices. In Wete, for example, one woman was at home with her four children when seven police broke down her door and searched the house, taking clothes and jewelry:

They asked me, "Where is your husband?" I told them I did not know. "Today your husband will die. Today he will not escape. When we see him we will kill him." They slapped me twice in the face. Two of them broke the freezer with their clubs. In the bedroom two police officers shot into the ceiling, thinking my husband was hiding in the eaves. They wanted me to squat and leap up and down. I didn't want to squat and leap. I went into the courtyard but three of them followed me and beat me on the back and shoulders with clubs. "Tell us where your husband is," one of the policemen said, "or we'll take a knife and slice your throat open." Then another policeman said, pointing at one of my children, "Let's kill her so the government can raise her child." In the other room they were cutting the mattresses open. When they left, I saw that they had stolen about TShs. 500,000 [approximately U.S. \$555] from me.¹⁵³

Shops were looted, as well. In Wete, police ransacked the shop of Omar Tolli near the site of the police officer's death after the demonstrators had dispersed:

Police and CCM militia broke down the doors and stole a lot of things, including several fifty-kilo sacks of rice, flour, and sugar. They took perfume bottles, Nido milk tins, gallons of cooking oil, and soda crates, which they took to the hotel and drank. Altogether it is more than TShs. 500,000 [approximately U.S. \$555]¹⁵⁴

Juma Othman Msomali's store was ransacked by prison officers, who came with a prison truck. They broke furniture and took all the foodstuffs. Police and coastguards stole clothing, shoes, and perfume bottles from another shopkeeper and kicked him when they found him hiding, then dragged him off to the police station.

Three other people in Wete reported thefts of cash from their homes by police, army, and militia totaling over TShs. 3,000,000 [approximately U.S. \$3,330].¹⁵⁵ Police, army, militia and coastguards broke into a house in Mtemani, beat the fifty-five-year-old woman living there, broke her television set, stole a dozen pairs of kanga

¹⁵¹ Human Rights Watch interview, Shimoni, Kenya, March 2001.

¹⁵² Claims collected by CUF and not independently corroborated by Human Rights Watch. "Majina ya wanachama walioathirika mali zao na kuibiwa (kuporwa) na wanaulinzi (polisi/jeshi) la wananchi Tanzania-siku ya terehe, January 27, 2001-Wilaya ya Chake Chake/Pemba," CUF, April 24, 2001.

¹⁵³ Human Rights Watch interview, Wete, August 11, 2001.

¹⁵⁴ Human Rights Watch interview, Wete, August 8, 2001.

¹⁵⁵ Human Rights Watch interviews, Wete, August 9, 10, and Dar es Salaam, August 20, 2001.

cloths, gold, and more than TShs. 400,000 [U.S. \$450] in cash.¹⁵⁶ They then stole her neighbor's video cassette player.¹⁵⁷

In Chake Chake, soldiers engaged in house-to-house searches in the nearby neighborhoods of Mkanjuni and Mkoroshoni. They attempted to break into the front and rear doors of one large house and then shot the lock with a rifle. According to a woman living in the house,

They were looking in the mattress and the cabinets for money, so I gave them money and my gold jewelry [worth \$2,500]. One soldier put his gun in my [two-year-old] grandson's mouth, but he thought it was a game and tried to play with it. Then they tried to take away my [six-year-old] granddaughter, but I put my hand on her and told them, "Whatever you have to do to her, do it here in front of me." So they just fondled her and poked her, and then they left.¹⁵⁸

A woman living in Mkanjuni near the police roadblock described her experience:

After the demonstration, police started going house to house, threatening to break down the door if it wasn't opened. They went to one of our neighbors, but when they saw that she was wearing CCM clothing, they just told her to stay inside. Most of the police were from the mainland, but one policeman who sounded like he was from around here told the other police which houses to avoid because they were owned by CCM supporters or police. He took them to the houses owned by CUF supporters, and especially the houses of Arabs around here, because they hate Arabs.¹⁵⁹

Police severely beat and arrested Juma Ngwali, a retired regional commissioner who was already in poor health:

Several police broke into my house at 8:45 a.m. and accused me of videotaping the demonstration. I told them that they already had broken in, they might as well look for a video camera, but they wouldn't find one. The police commanding officer ordered, "Beat him until he gives it to us," but I told him that he would have to beat me until I died, as I don't have any camera. So they dragged me and my son outside, and they beat us. They broke my arm and leg and they stamped on my neck, and they took us to the police station. Then they came back to the house. They stole a cell phone and money and gold worth U.S.\$ 700. They broke my television and VCR, and windows and ceiling, with the butts of their rifles.¹⁶⁰

According to the Tanzanian government, it was the local people who were responsible for the looting that followed the demonstrations, taking advantage of the lawlessness, and who then blamed the security forces,¹⁶¹ but this is directly contradicted by many testimonies obtained by Human Rights Watch which place the blame squarely on government forces.

Mistreatment in Police Custody

As stated above, some detainees were made to run the gauntlet of baton-wielding police when taken into police stations, and placed in overcrowded cells. According to one police officer interviewed by Human Rights Watch:

When a car entered the station, police arranged themselves in two lines on either side of the entrance with their truncheons. There was not less than twenty-five or thirty on each side. The people were beaten one

¹⁵⁶ Human Rights Watch interviews, Shimanzi, Kenya, March 2001 and Wete, August 20, 2001.

¹⁵⁷ Human Rights Watch interviews, Dar-es-Salaam, August 20, 2001.

¹⁵⁸ Human Rights Watch interview, Chake Chake, August 19, 2001.

¹⁵⁹ Human Rights Watch interview, Chake Chake, August 11, 2001.

¹⁶⁰ Human Rights Watch interview with Juma Ngwali, Chake Chake, August 14, 2001.

¹⁶¹ Human Rights Watch interview with Bernard Mchomvu, permanent secretary, Ministry of Home Affairs, January 30, 2002.

at a time all the way down the line until they entered the station. This one was beating and then this one and this one, until the person went inside.¹⁶²

Another police officer gave a similar account: "People were brought in. One was beaten with truncheons and had his leg broken right there at the station; another was beaten and his head split open...people were really being beaten badly."¹⁶³ Detainees at Wete prison reported police shootings, rapes and degrading treatment of prisoners in Wete police station. A detainee who was held at Wete police station overnight on January 27, 2001, said he saw a police officer take a girl of about sixteen years of age up to the roof of the police station, from where he heard screams, leading him to believe she was being raped.¹⁶⁴ Some detainees were even confined in the prison's dog pen, where there was dog excrement all over the floor, and were told by police to "join your fellow dogs."¹⁶⁵

Detainees who had been held at Wete prison jail complained to Human Rights Watch of daily beatings, no food, sporadic water provision and constant abuse.¹⁶⁶ At Kilimani prison on the outskirts of Zanzibar Town, prison guards reportedly beat prisoners, forced them to strip naked and throw their clothes in a pile, then took their money, cell phones, belts, shoes and other valuables, before herding them into a large courtyard, where they were made to lie down and were beaten again. One former detainee described the experience:

After we took off all of our clothes, even our underwear, we had to go outside to a concrete yard. There were about thirty-five of us, but at least a hundred guards started beating us with clubs and yelling insults, saying things like, "You don't want this government!" Then we had to lie down and they kept beating me until I lost consciousness. Guards later brought in all of the clothes and forced us to dress quickly, so some people didn't see their own clothes but had to put on someone else's clothes. Then we were taken to the cells.¹⁶⁷

Another group of eighty naked prisoners were beaten with batons by prison guards and forced to sing songs insulting CUF leaders over a period from 2:00 p.m. to 6:00 p.m.¹⁶⁸

Prisoners were held in overcrowded conditions in eight small cells measuring about seven by ten feet each, thirty prisoners to a cell. On a typical day, prisoners were given one cup of porridge and allowed to use the toilet at 5:00 a.m.; then fed with beans and cornmeal porridge (*sembe*), often made with rotten ingredients or infested by bugs, at 2:00 p.m.; then locked in their cells without water or toilet facilities from 4:00 p.m. until the following morning.¹⁶⁹

Kilimani had four cells set aside for female prisoners; two were used for prisoners detained in connection with the demonstrations, and the other two for women held for unconnected crimes. On arrival, the fourteen women held as a result of the demonstrations were strip-searched and forced to bend over to have their private parts examined by a female prison guard. They were not beaten, but they were insulted and they were made to do work such as cutting grass, cleaning toilets or sweeping, but not allowed to wash their clothing.¹⁷⁰

Lack of Due Process

A total of 373 people were arrested in Zanzibar Town; all of them were charged in the Mwanakwerekwe court and then held in Kilimani prison.¹⁷¹ In Pemba, at least 250 people were arrested and charged; all were taken

¹⁶² Human Rights Watch interview with policeman, Zanzibar Town, August 1, 2001.

¹⁶³ Human Rights Watch interview with policeman, Zanzibar Town, August 1, 2001.

¹⁶⁴ Human Rights Watch interview, Wete, August 5, 2001.

¹⁶⁵ Human Rights Watch interview, Wete, August 2, 2001.

¹⁶⁶ Human Rights Watch interview, Wete, August 2, 2001.

¹⁶⁷ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

¹⁶⁸ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

¹⁶⁹ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

¹⁷⁰ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

¹⁷¹ Human Rights Watch interview with defense lawyer, Zanzibar Town, August 16, 2001.

to the Chake Chake courthouse and then held in Wete prison.¹⁷² Most defendants were charged with “participating in an illegal demonstration” and were released from remand within a month, after posting bail (ranging from TShs. 20,000 [U.S.\$22] to TShs. 100,000 [U.S. \$110]), although in many cases a second person also had to post a bond worth TShs. 100,000 [U.S. \$110]. Defendants were required to appear in court nearly every two weeks, but each time the state prosecutor asked for the hearing date to be postponed. Charges relating to the demonstration were finally dropped as part of the October 10, 2001, agreement between CCM and CUF.

The Mwanakwerekwe court in Zanzibar Town operated throughout the weekend of January 27, 2001, to process those arrested. Of the 373 people charged,¹⁷³ 200 were brought from Madema police station remanded and sent to prison. As they were brought to the court, they too were forced to run a police gauntlet and police made some hop like frogs, with their hands behind their heads, while beating them.¹⁷⁴

Once inside court, detainees were charged in groups, but there were no lawyers there to represent them. The main defense lawyer, was not notified before their appearance and was never shown any evidence against any of the defendants.¹⁷⁵ Some defendants were reportedly beaten by police in front of the magistrate, but he did not intervene to stop the assaults.¹⁷⁶

Many of those arrested were charged with “participating in an illegal demonstration.” Some women who were arrested in their offices the day before the demonstration were charged with “preparation for an illegal demonstration.”¹⁷⁷ Others, charged with vandalizing property, were accused of damaging a TV van, and at least two women accused of beating a local leader while wearing ski masks were charged with “physical assault on a government agent.”¹⁷⁸ One man who had been arrested at his home was told by police at Madema police station that he would be charged with “attempting to set Mlandege police post on fire,” and police forced him to sign a false confession statement, although when he was brought to court, the charge had been reduced to “disturbing the peace and demonstrating.”¹⁷⁹

VII. COMPLICITY OF THE RULING PARTY

The events in Zanzibar emphasized the close connection and effective lack of distinction between government authority and the exercise of power based on membership in the ruling CCM. Complicity between CCM party members and local government officials and the security forces was a recurring theme in the testimonies from victims collected by Human Rights Watch. These identified three groups of ruling party members as involved in the violent suppression of the demonstrations: *wanagambo* (local militia), *shehas* (village authorities), and *maskans* (CCM youth supporters).

Local Militia (*Wanagambo*)

The *wanagambo*[singular, *mgambo*], effectively an armed wing of the CCM, is a civilian militia that is usually deployed for community policing. Its members, drawn from the youth of the party, usually do not carry guns but receive basic military training from the army and police. During the events of January 2001, the local *wanagambo* were deployed against the CUF demonstrators. On Unguja Island, they were given arms and stationed at the police station in Madema, but ultimately not used.¹⁸⁰ In Pemba, however, especially at Wete and Micheweni, witnesses saw *wanagambo* operating in close collaboration with the police. One witness from a village outside Wete described what he saw:

¹⁷² Human Rights Watch interview with defense lawyer, Wete, August 14, 2001.

¹⁷³ Human Rights Watch interview with defense lawyer, Zanzibar Town, August 16, 2001.

¹⁷⁴ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

¹⁷⁵ Human Rights Watch interview with defense lawyer, Zanzibar Town, August 16, 2001.

¹⁷⁶ Human Rights Watch interviews, Zanzibar Town, August 9, 2001.

¹⁷⁷ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

¹⁷⁸ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

¹⁷⁹ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

¹⁸⁰ Human Rights Watch interview, Zanzibar Town, August 9, 2001.

The *wanagambo* are not police. They are people who learn to march and shoot from the CCM officers at the branches. One of them is from my village. But I saw him in a group of police officers [in Limbani, Wete]. I know him. He was wearing *mgambo* clothing, those green clothes. He had a club. I saw him when the police were shooting at us at the Agriculture Office. When the police put that big gun on the ground, he was standing to the side with his club. There's another one from Shidi village. I saw him passing in a police car. I know him. He was wearing *mgambo* clothes. He had a rifle. And what he said when he came back to the village, he said, "We've got them! And today, a beautiful young man came to the police station. I shot him two times in a row. He is already dead." He was bragging.¹⁸¹

Another local militia member was seen assisting police arrest members of a family who had been observing events at the Fourways roundabout from the window of their house, including an elderly woman who could not walk unassisted:

The FFU [riot police] officer who had arrested them did not want to beat the old woman. So he just ordered her to the police station. She was accompanied by a small child who stays with her. The line of police who were beating people as they entered the police station let her pass. Except for one. He drives a bicycle around that has lots of CCM stickers all over it. Well, he hit that old woman on the back, several times. He said, "Even you [participated]! Even you!" He beat her all the way inside.¹⁸²

In Micheweni, a militia member from Finya was seen in a car, wearing a uniform and pointing out CUF members to soldiers.¹⁸³ Some local militia members were also involved in the searching of homes and looting of property. In Mchangamdogo, one *mgambo*, accompanied by *maskans*, "came into town with lots of food. They had rice, sugar, knives, and soap. They don't have the money to buy these things. In town a kilo of rice is TShs. 300 [U.S. \$0.30]. From them, you could buy it for TShs. 150 [U.S. \$0.15]."¹⁸⁴

Local authorities (*Shehas*)

With the introduction of multipartyism in Zanzibar in 1992, a formal distinction was made between party leadership and local administration, and the office of *sheha* was re-introduced to replace the leadership of CCM party chair and "Ten Cell Leaders", who had since the 1964 revolution acted simultaneously as ward administrators and party activists. Prior to the revolution, *shehas* were popularly elected by local residents. Unlike the pre-revolutionary *shehas*, however, modern *shehas* are little more than party chairs under a new name. They continue to be appointed by the government, and are, invariably, members of the CCM. *Shehas* have the authority to order police to conduct searches and to make arrests.

Since 1992, they have conducted censes in their wards to ascertain the party membership. They were signally involved in arbitrarily denying registration to suspected opposition supporters who qualified as voters during the pre-election period, and, particularly in Pemba, exercise surveillance and significant authority over the local people.¹⁸⁵

Throughout the period preceding and following the January 27, 2001, demonstrations, *shehas* and their assistants were instrumental in pointing out CUF homes and families to police. One woman described to Human Rights Watch how she had received two visits from officers of the police intelligence division accompanied by thirty other police, who were seeking her husband, a prominent CUF member. "The *sheha* tells the police who is a CUF member, and then he brings the police to your house. They have come to my house many times."¹⁸⁶

¹⁸¹ Human Rights Watch Interview, Dar es Salaam, August 3, 2001.

¹⁸² Human Rights Watch interview, Dar-es-Salaam, August 3, 2001.

¹⁸³ Human Rights Watch interview, Wete, August 10, 2001.

¹⁸⁴ Human Rights Watch interview, Dar-es-Salaam, August 3, 2001.

¹⁸⁵ See also, International Federation for Human Rights and Legal and Human Rights Centre, "Zanzibar: Wave of Violence," June 1, 2001, available at <http://www.fidh.org/afric/rapport/2001/zanzi0501.pdf>.

¹⁸⁶ Human Rights Watch interview, New York, July 14, 2001.

A teacher from Gando made the following observation:

All members of the ruling party, CCM, have access to instruments of the state, by virtue of being party members. People who are not police or soldiers think that because they are close to the mechanisms of power, by virtue of being members of CCM, that they can do what they like. In some cases they killed and maimed people and taunted people. In the district of Gando there are only fifteen policemen. They don't have the means to supervise all the comings and goings of people's daily lives. But these normal people who belong to CCM take their domestic disputes to the police who then suppress citizens.¹⁸⁷

In the house-to-house searches in Wete, the *shehas* of some wards reportedly played a lead role in identifying residents for police investigation, search, and arrest. In Wingwi, Micheweni, one resident described how the police came to his house to arrest him in the company of the *sheha*, a week after the demonstration:

Three regular police came into the house, banged on the door, and forced their way in. They came inside and slapped and roughed up my three teenage daughters, the youngest of whom is ten. They beat them with their fists. The *sheha* was with them, not in the house, but guiding the police.¹⁸⁸

In Chake Chake, house searches and lootings were concentrated in at least one area near the home of the *sheha* of Mkanjuni. One woman whose house was broken into and entered by forty soldiers said the soldiers had a piece of paper listing the names of eight homeowners who had been singled out. Another interviewee observed:

The *shehas* are the guardians of their areas, so how can it be that after the demonstrations were over they could allow things to continue? They know everything. They keep records. They have ultimate authority. The *sheha* is my neighbor, and his assistants live right across from the house, which was most hard hit.¹⁸⁹

CCM youth supporters (*Maskans*)

Some ordinary CCM members, known as *maskans*, were also involved in the violence. Some were seen holding clubs or guns on the day of the demonstrations. Others worked as drivers, transporting groups of KMKM coastguards and CCM militia from place to place. One man from Wete stated:

Two *maskans* I know, both of them frequent the Amani CCM branch. One was driving the KMKM around. I saw him myself. He was holding a gun and was wearing a police uniform. He isn't a policeman. I know him. He lives in Kizimbani. He went up to Raha, driving the KMKM in the green CCM car. It's an official party car. At Raha, he told the KMKM and the soldiers who to shoot.¹⁹⁰

Another witness reported seeing *maskans* he knew as inhabitants of Wete brought to Wete police station on the afternoon of January 27, 2001, in two trucks belonging to the Zanzibar State Trading Corporation. It was widely believed that these *maskans* were given clubs and taken to Konde area to assist security forces in house searches and arrests. One witness said:

Some Wete *maskans* were dropped off at the police station, coming from the villages. They all got off with clubs in their hands. I thought they came from the villages, because I hadn't seen them all day. I knew their faces. They were in ordinary clothes, but they all had a club.¹⁹¹

¹⁸⁷ Human Rights Watch interview, Pemba, August 3, 2001.

¹⁸⁸ Human Rights Watch interview, Micheweni, August 10, 2001.

¹⁸⁹ Human Rights Watch interview, Chake Chake, August 7, 2001.

¹⁹⁰ Human Rights Watch interview, Dar es Salaam, August 3, 2001.

¹⁹¹ Human Rights Watch interview, Wete, August 10, 2001.

This same witness also saw eight people brought to the Wete police station earlier that day in a car used for local transportation between Wete and Konde, suggesting further complicity between CCM members and security forces from at least two army camps in Pemba:

Two Defender jeeps came from the Makuwe Army Camp [in the north of Pemba]. I knew they came from there because their vehicles are white, but the vehicles from the Vitongoji Army camp [at Chake Chake] are gray. They were led by an armored vehicle, and behind them was a bus No. 35 [Konde route]. The bus drove right up to the police station and the police took out eight people. Every person who was taken out was dragged by the arms. They weren't able to walk. Each one was soaked with blood. Only one of them could move on his own, and he was limping badly. The others had to be dragged.¹⁹²

Others described *maskans* inside the police station. Salum was assaulted in the police station in Wete as police looked on:

In the police station, a citizen who is not any kind of security personnel, but a CCM member, tried to cut me with a machete in the police station in front of the head of police. As he was trying to cut me, I ducked and it passed over my head. I stood up. As soon as I stood up he swung at me again and I sat down suddenly. As I sat down, the tip of the machete caught my cheek.¹⁹³

VIII. TANZANIA'S OBLIGATIONS UNDER INTERNATIONAL LAW

The Tanzanian Constitution and international and regional human rights law guarantee respect of human rights, equal protection under the law, and due process rights. Tanzania has ratified several major international treaties guaranteeing these rights, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the African Charter on Human and Peoples' Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, and the Convention on the Rights of the Child. As a party to these major international human rights conventions, Tanzania has an obligation to ensure that its laws and practices are in conformity.

The actions of the Tanzanian government's security forces violated numerous provisions of international law. All governments have a universally recognized obligation to ensure that their citizens are free from extra-legal or arbitrary killings. Article 6 of the International Covenant on Civil and Political Rights guarantees every human being the inherent right to life and states that "[t]his rights shall be protected by law. No one shall be arbitrarily deprived of his life."

Governments also have a duty to prosecute serious violations of physical integrity under international law under article 26 of the International Covenant on Civil and Political Rights. The United Nations (U.N.) Human Rights Committee, which monitors the compliance of all state parties with the International Covenant, has further held that the state not only has a duty to protect its citizens from such violations, but also to investigate violations when they occur and to bring the perpetrators to justice.¹⁹⁴ To ensure effective implementation, the U.N. Economic and Social Council in 1989 adopted the Basic Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. Principle 9 states:

[There] shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives and other reliable reports suggest unnatural deaths. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and

¹⁹² Human Rights Watch interview, Wete, August 10, 2001.

¹⁹³ Human Rights Watch interview, Wete, August 2, 2001.

¹⁹⁴ See Report of the Human Rights Committee, 37 U.N. GAOR Supp. (no.40), annex V, general comment 7(16), para.1 (1982), U.N. Doc. A/37/40 (1982).

time of death, the person responsible, and any pattern or practice which may have brought about that death.¹⁹⁵

The use of force by law enforcement officers is strictly governed. Article 3 of the U.N. Code of Conduct for Law Enforcement Officials, states that force may only be used “when strictly necessary to the extent required for the performance of their duty.”¹⁹⁶ Furthermore, the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials requires that law enforcement officials shall not use firearms,

“except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.”¹⁹⁷

In the event that firearms are used, principle 10 requires clear warning and sufficient time for the warning to be observed unless inappropriate to the circumstances. Even when the use of firearms is deemed necessary, principle 5 lays out clear guidelines for their use, including:

- Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- Minimize damage and injury; respect and preserve human life;
- Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
- Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

Police are also required to ensure that assistance and medical aid are rendered immediately to injured persons, according to article 6 of the U.N. Code of Conduct for Law Enforcement Officials and principle 6 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

International legal provisions in the International Covenant on Civil and Political Rights govern the rights of the political opposition in Tanzania to freedom of expression, association, and assembly. The Tanzanian Constitution guarantees similar rights, with the provision that such rights may only be restricted during a state of emergency. Likewise, the Zanzibar Constitution states in Article 20: “Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with persons and in particular to form and belong to trade unions or other associations which are legally established or recognized under the existing laws which are for his interest.” Yet two other domestic laws compromise these rights: The Political Parties Act (1992) and the Zanzibar Societies Ordinance (1995). Neither restricts the right to hold a demonstration, but both empower the relevant minister to register or de-register parties and nongovernmental groups almost at will, contrary to international standards. These laws should be brought into conformity with international law and the Tanzanian Constitution.

¹⁹⁵ Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council, May 24, 1989, reprinted in “Report by the special rapporteur S. Amos Wako, pursuant to the Economic and Social Council resolution 1988/38, ‘Commission on Human Rights, Economic and Social Council, E/CN.4/1990/22, January 23, 1990.

¹⁹⁶ UN General Assembly Resolution 34/169, December 17, 1979

¹⁹⁷ U.N. Doc. A/CONF. 144/28/Rev.1 (1990) adopted at the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana 27 August to September 27 1990, Principle 9.

IX. GOVERNMENT RESPONSE

In the week after the demonstrations, Tanzanian officials blamed CUF supporters for the violence and publicly praised the police and security forces for a job well done. Zanzibar President Aman Karume congratulated the police on their good work in restoring order to the islands and accused CUF leaders of being responsible for the deaths, warning that the government had a “long arm” and would arrest them even if they fled the country.¹⁹⁸ Tanzanian President Benjamin Mkapa also publicly congratulated security officers, and on the British Broadcasting Corporation (BBC) program “Hardtalk,” aired on January 31, 2001, blamed the deaths on opposition leaders, and criticized foreign diplomatic missions for listening to the opposition.¹⁹⁹ The government blamed CUF supporters for causing the mayhem and accused them of carrying dangerous weapons such as knives, machetes, acid, and arrows, which threatened the lives of the security forces. Speaking at a press conference, the state minister in the Prime Minister’s Office responsible for information and politics, Omari Mapuri, said that CUF demonstrators had covered their faces “ninja style” with black masks that provoked the security forces into reacting. He also accused demonstrators of having tried to attack police stations in Micheweni and Wete in order to steal guns and ammunition.²⁰⁰

At a meeting for police officers in Zanzibar town on February 1, 2001, a police commander congratulated his officers and announced the promotions of four officers; these were officers who are said to have ordered beatings and shootings.²⁰¹ Police officers who were present at the February 1 meeting told Human Rights Watch that the police commander assured his forces: “I will take full responsibility for these actions; no policeman will suffer any bad consequences.”²⁰² To date, that position has prevailed; no state official has been held accountable for the gross human rights abuses that were committed prior to, during and in the aftermath of the January 27 protests. However, at least twenty police officers who refused orders to shoot into crowds or beat prisoners were detained on January 27, 2001. They were held for over two weeks at the FFU base in Ziwani, outside Zanzibar town. Eight of them were later dismissed from the police.²⁰³

On January 30, 2001, President Mkapa announced promotions for fourteen senior police officers, including Venance Tossi, the head of the FFU riot police; Omary Ali Omary, Zanzibar’s director of criminal investigation; and three officers from the Ziwani police station in Zanzibar town. All of these officers are likely to have been involved in the official response to the CUF demonstrations,²⁰⁴ but the government denied that their promotions were connected with their actions in Zanzibar.²⁰⁵

During the past year, more than 2,200 Pembans who fled as refugees to Kenya have returned home. About one hundred others, however, remain as refugees. The Zanzibari refugees were initially housed in a refugee camp at Shimoini, south of Mombasa, in Kenya but many were later transferred to the Daadab and Kakuma camps in northeastern Kenya, near the Somalia border. At least one hundred of the refugees then crossed into Somalia in search of better living conditions, and another one hundred or so have remained in Kenya. However, the great majority returned to Pemba. Zanzibar Minister of State Salum Juma Othman had earlier threatened that all returning refugees would be arrested when they got to Pemba, stating: “These are not refugees. They are criminals and we will charge them.”²⁰⁶ However, with involvement of the Office of the United Nations High Commissioner

¹⁹⁸ Mwinyi Sadallah, “Karume apongeza polisi,” *Nipashe*, January 29, 2001.

¹⁹⁹ “Mkapa blames press for distorting facts on killings,” *The Guardian*, February 1, 2001.

²⁰⁰ International Federation for Human Rights and Legal and Human Rights Centre, “Zanzibar: Wave of Violence,” June 1, 2001, available at <http://www.fidh.org/afriq/rapport/2001/zanzi0501.pdf>, p.19.

²⁰¹ Human Rights Watch interview with police officer, Zanzibar Town, August 9, 2001.

²⁰² Human Rights Watch interviews with police officers, Zanzibar Town, August 1 and 9, 2001.

²⁰³ Human Rights Watch interviews, Zanzibar Town, August 1 and 9, 2001.

²⁰⁴ “Police Promoted,” *The Guardian*, Dar es Salaam, January 31, 2001; “Mkapa awapandisha vyeo polisi,” *Nipashe*, January 31, 2001.

²⁰⁵ Human Rights Watch interview with Bernard Mchomvu, permanent secretary, Ministry of Home Affairs, January 30, 2002.

²⁰⁶ Mwinyi Sadallah, “Pemban refugees in Mombasa face arrest on return-Minister,” *The Guardian*, February 9, 2001.

for Refugees (UNHCR), most of the refugees were able to return home without encountering problems from the government, which agreed to grant them an amnesty against prosecution.

Since mid-February, 2001, the political atmosphere in Zanzibar has been tense but generally calm. There have been isolated cases of arrests and beatings, and in one instance police manning a roadblock used machetes to forcibly shave the beards of dozens of Pemba men.²⁰⁷ But although police have maintained a highly visible presence throughout Zanzibar, they have generally shown restraint. The CUF and other opposition parties challenged the ban on demonstrations and in April organized a large and well-attended peaceful rally in Zanzibar Town.²⁰⁸ Earlier, in March, the CUF and CCM entered into talks aimed at defusing political tension, resulting in the October 10, 2001, agreement.

Despite this political rapprochement, none of those responsible for the extrajudicial executions and other killings, assaults and ill treatment of demonstrators and detainees, and for the destruction of property at the time of the January 27 protests, have been brought to justice. In fact, some security officials whom local people say were responsible for killings and other gross abuses were subsequently transferred to the Tanzanian mainland or to other towns in Zanzibar. In some cases, this may have been motivated by fear that they could be subject to retaliation; at least one police officer, Ali Makame also known as Ali Kijeshi ["Ali the soldier"], was reported to have been killed in his home in Jang'ombe, Unguja in February 2001 because of the role he played at the time of the demonstrations.²⁰⁹

In January 2002, in a meeting with Human Rights Watch, Tanzanian Ministry of Home Affairs' officials and police representatives claimed that the police response to the January 27, 2001, demonstrations had been a necessary one, because the protests had been encouraged by Islamist fundamentalists with ties to Osama bin Laden, who were seeking to undermine the Tanzanian government. Ministry of Home Affairs Permanent Secretary Bernard Mchomvu told Human Rights Watch: "The best way to think about the demonstration is that it was an attempted coup d'état to take over the island of Pemba, which is part of Tanzania, and the police did the very best that they could to see that they were not successful. He said that the situation had arisen because people were "combining politics with religion," an explosive mix that could undermine the security of the state. He went on: "The government has the discretion to use its forces as needed. The people who died were the ones who wanted to take over a police station, they were killed for trying to take control of state power. This was a well supervised rebellion with help from outside...You must manage the reckless or there will be no country to manage."²¹⁰

In response to questions about human rights violations by the police, Permanent Secretary Mchomvu, to whose ministry the police department reports, stated:

There were only a few police facing thousands and thousands of rioters coming from all areas, armed with machetes. The law enforcement officials simply had to protect themselves. The demonstrators arrived with these machetes shouting "slaughter them, slaughter them"....We used rubber bullets and teargas, as much as we had. There were twenty-three people killed, all others died from natural causes. These twenty-three included the policeman killed. If we had been intent on killing, then thousands would have died. The troops actually used very few real bullets, mostly teargas. They showed as much restraint as they could. But in the end, police are used to maintain control over such a situation ...The [independent] commission [of inquiry]'s report will be made public, and we will see the truth of what happened. The force that was used by the police was the best they could do to control the situation. It was a dangerous situation for them.²¹¹

²⁰⁷ Human Rights Watch interviews, Pemba, August, 2001.

²⁰⁸ Wambui Chege, "Tanzanian Opposition Wakes Up, Demands Change," Reuters, April 9, 2001.

²⁰⁹ Human Rights Watch interview, Wete, August 14, 2001.

²¹⁰ Human Rights Watch interview with Bernard Mchomvu, permanent secretary, Ministry of Home Affairs, January 30, 2002.

²¹¹ Ibid.

X. LOOKING TO THE FUTURE

The Responsibility of the Tanzanian Government

The October 10, 2001 agreement between the CCM government and CUF represents an important step in reasserting the rule of law and respect for basic human rights in Zanzibar. In particular, it provides for much-needed reforms that, if implemented, should help to prevent any recurrence of the violence that occurred in Zanzibar in January 2001. It provides for the establishment of a ten-member Joint Presidential Supervisory Committee, comprising five representatives each from the CCM and CUF, to oversee implementation of the agreement. This includes the establishment of an independent electoral commission; the creation of a permanent electoral roll; a constitutional review and review of the laws governing elections to bring them up to date with both the spirit and the practice of multiparty democracy; equitable coverage of all political parties in the state-owned media; and reform of the judiciary.

According to the agreement, a more inclusive government structure is to be established through the Joint Presidential Supervisory Commission; by-elections are to be held without delay in vacant constituencies rather than in two years' time; the political opposition is to be permitted a greater role in governmental activities; the civil service is to be de-politicized, including at the local government level; and civil and political rights education will be provided to the public. Most particularly, the agreement also provided for the creation of an independent commission of inquiry into the events of January 2001 in Zanzibar; this is to consider also question of compensation for those with identifiable claims against the government. Finally, the October agreement dropped all existing criminal charges against demonstrators in connection with the events of January 27, 2001. This clause should not prevent the bringing of fresh charges against anyone found responsible for criminal acts by the commission of inquiry.

According to the October agreement, the CCM and CUF party leaders are responsible for its implementation; included in the agreement is a detailed timetable covering the roles of these leaders, the joint commission, and the House of Representatives. Other appendices include a list of constitutional amendments to take effect from February 1, 2002, and a statement on the need for the joint commission to continue functioning after its mandate expires, with a view to establishing a government of national unity in the future. Nevertheless, the existing date for the end of the supervisory commission's mandate is the calling of the next general election in Tanzania.

If enacted, the October 2001 pact promises to bring to an end many of the contentious issues between the ruling party/government and the opposition. However, it remains unclear how committed the government is to actually fulfilling its promises. Only one month after the signing of the pact complaints were already being lodged by CUF when the attorney general in the CCM government of Zanzibar attempted to unilaterally alter the text of the accord when he introduced in the Zanzibar House of Representatives amendments to the bill setting up the Joint Presidential Supervisory Commission. However, optimism was renewed on January 3, 2002, after the government signed another agreement with CUF, re-pledging its commitment to the October 2001 pact. The new agreement resolved the differences over the Joint Presidential Supervisory Commission, and bound the government to consult with CUF before deviating from any of the terms of the October agreement.

On January 16, 2002, Tanzanian President Benjamin Mkapa announced the creation of the independent commission of inquiry to investigate the January 2001 violence in Zanzibar. Both CUF and CCM have welcomed the creation of the commission. A high-ranking CCM official told Human Rights Watch:

The view of CCM is the view of CUF: People have died, people have sought refuge. What happened is an embarrassment to the country. It is difficult to say exactly what happened. Violence cannot give an answer to any problem, nowhere and in no place. Violence is not an answer. Nothing can be done in an atmosphere of enmity. The important thing is to normalize relations—this is most important. The

commission is going to look at what happened, what caused it to happen. It is best to let the commission of inquiry do their work and produce their findings.²¹²

The commission of inquiry's work will be an important indicator of how serious the government is to redressing the abuses of the past. It is important that the independent commission of inquiry be allowed to work autonomously from the government and be given the means to do so. In addition, it is important that the government accept the findings of the commission, including punishing those found responsible for crimes committed.

The Role of the International Community

Donor governments have shown their strong condemnation of events in Zanzibar by withholding aid to the Zanzibar government since the flawed elections of 1995. In January 2001, diplomatic missions in Dar-es-Salaam universally condemned the violent actions of the Tanzanian government. Sweden, holding the European Union presidency at the time, warned in a public statement: “[I]f the excessive use of force and human rights abuses committed by the security authorities continue, this will inevitably have an impact on the European Union's relations with Tanzania.”²¹³

The aid cutoff to the Zanzibar government since the flawed 1995 elections is a serious step, particularly since Tanzania is exceptionally dependent on foreign assistance. However, focusing on the Zanzibar government to the exclusion of the union Tanzanian government relieves the international community—the international financial institutions in particular—of having to take action against Tanzania, an otherwise shining example of economic reform. Yet, Human Rights Watch's findings establish responsibility for serious violence committed by the Tanzanian security forces under the control of the union government.

The union government of President Mkapa, and not the Zanzibari government of President Karume, is the primary locus of state power in Tanzania. Further international policy efforts to resolve the crisis in Zanzibar should recognize that. Further, if conditioning aid is seen as an effective strategy for pursuing human rights protection and good governance in Zanzibar, then consideration should be given to using such conditionality in relation also to the union government. To withhold donor assistance to the Zanzibar government as a result of the January 27 abuses while continuing support to the Tanzanian government sends, at the least, an inconsistent signal. Under the Tanzanian constitution, it is the Tanzanian government that has direct responsibility for law enforcement and security, yet the international community has seen fit to focus its condemnation on the Zanzibar government. In Zanzibar itself, the termination of international assistance is perceived, ironically, as punishment for those who sought to exercise their democratic rights of freedom of expression and assembly.

The international community now has an important role to help ensure that the October 2001 agreement is implemented and that governance reforms are promptly and effectively put in place. In this connection, the Tanzanian government should be held to its commitment, made in contractual letters of intent addressed to the International Monetary Fund, that it “will give priority to improving governance and public accountability.”²¹⁴ Sustained international pressure should be maintained on the Tanzanian government toward this end.

²¹² Human Rights Watch interview with high-ranking CCM official, Dar-es-Salaam, February 1, 2002.

²¹³ “Tanzania’s relations with Europe may be strained,” *The Guardian*, February 1, 2001

²¹⁴ Tanzania Letter of Intent and Technical Memorandum of Understanding to the IMF, February 24, 2001.

XI. ACKNOWLEDGEMENTS

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*Human Rights Watch
Africa Division*

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