Gratitude should be expressed to the Tanzanian Government for the Report submitted to the African Commission on Human and Peoples' Rights. As a preliminary report it is a good attempt to deal with several salient issues pertaining to human rights. The absence of texts of the Constitution and other basic legislation is, however, a constraint on a thorough examination of the periodic report. It is therefore hoped that a request to the Tanzanian Government would lead to a submission to the Commission of the necessary texts.

Nevertheless it may be useful to make certain comments based on information partly derived from the report. I propose to proceed with my commentary under five headings.

BILL OF RIGHTS

Obviously the incorporation of a bill of rights into the Constitution is very welcome and indeed conforms to the general practice in democratic nations. Focussing on the Preventive Detention Act, one wonders if its application could be justified except in a state of emergency. In any case, since expense is identified in the Report as a factor that deters the challenge in the courts of violations of basic rights, it may be wise to set up Review Tribunals with powers to automatically (that is to say without petition) review cases of detainees. Clarification is also required as to whether the Courts have jurisdiction to entertain applications for writs of habeas corpus. If the answer is positive information is required on the number of times the Courts have actually issued a habeas Corpus order resulting in a detainee's release.

FREEDOM OF EXPRESSION

There appears to have been a marked growth of media publications in Tanzania especially in the private sector. Reports that the Government intended to set up a Press Council to monitor the press have given rise to fears that the Government may be subtly introducing censorship. Perhaps light ought to be thrown on the objectives and powers of the Press Council and also assurances given that it is not intended to utilise it to curb freedom of expression or intimidate the independent press.
RIGHT OF ASSOCIATION

In line with several other countries there seems to be a debate in the United Republic of Tanzania as to the merits of political pluralism. Article 10 (1) of the African Charter on Human and Peoples' Rights states: "Every individual shall have the right to free association provided that he abides by the law". One wonders if there are plans to introduce laws that permit the formation of several parties. Many prominent and respectable persons including former President Julius Nyerere believe that multi-partyism is a pre-requisite for true political freedom and democracy.

THE JUDICIARY

The report shows that the judiciary in Tanzania is respectable and its independence guarded. The removal procedure described is elaborate and affords some protection. However it can be said that better protection would be accorded if the final removal of judges were left to the qualified vote of elected members of Parliament rather than to the head of State. Also I opine that in all cases it must be made clear that a judge under investigation shall have the right to present a defence to the investigating body either personally or through counsel.

THE BAR

It is noted that the Bar includes lawyers in the Tanzanian Legal Corporation which is described as public corporation. What is the nature of this Corporation? Is it an independent body or a parastatal? Are the qualifications of its members to practise law at par with those of the Private Advocates? Does the Corporation have special privileges denied other lawyers?

In conclusion, I can say without doubt that the government of the United Republic of Tanzania is moving along the right lines in so far as human rights issues are concerned. I hope as a result of the dialogue which has commenced with the African Commission on Human and Peoples' Rights, improvements will continue to be made both in the Constitutional and other basic laws in furtherance of rights, freedoms and human dignity.

Dated at Banjul this 7th day of October, 1991.

S.B. SEMBA JANNEH