



Spike or Suffer?

***Jamhuri* and the Bribe Offer**

Epilogue

On March 6, 2012, after waiting in vain for two months for a comment, *Jamhuri* Managing Editor Deodatus Balile published a story that revealed Quality Group CEO Yusuf Manji had communicated directly with parliamentary committees in an attempt to reverse the Shirika La Usafiri Dar es Salaam (UDA) tender decision. "We had given him the opportunity to respond," says Balile.¹

He didn't use that opportunity. We were very tolerant—following up from January to March. Then we reached a point where we couldn't see any good will to respond to our questions. And we decided to publish the story since we believed the documents were very genuine.

Manji immediately sent a lawyer to *Jamhuri's* office, threatening the weekly with a court order unless the story was retracted. Balile refused. That week, Manji bought advertisements in at least three newspapers, defending his actions. He also applied to the court for an injunction to stop *Jamhuri* from writing about him. Manji claimed he had been defamed and his business operations hurt. On March 12, the resident magistrate issued a cease-and-desist order against *Jamhuri* until a hearing could be scheduled—but did not immediately notify *Jamhuri*. On March 13, after conducting more interviews with sources and unaware that Manji had been granted an injunction, Balile published a second story, this time about how Manji's letters had reached the desk of the finance minister.

On March 14, Balile was served with the court injunction, which banned *Jamhuri* from writing about Manji, his family, his company, his heirs, relatives, friends, or any of his businesses. The injunction was decided *ex-parte*: without Balile present. The document granted "an order to issue a permanent injunction restricting the defendants, their assignees, employees, agents and

¹ Author's interviews with Deodatus Balile on June 27 and 28, 2012, in Dar es Salaam. All further quotes from Balile, unless otherwise attributed, are from these interviews.

associates from publishing and circulating any news or information concerning or connected to the plaintiff personally or businesses under his management in any manner and in any form including any Web site and in Internet Web forums" and sought compensation of TZS 100 million (\$64,000).

On March 22, Manji opened a second case, charging Balile with contempt of court for continuing to write about him despite the first injunction. The second request informed the court that Manji wanted Balile jailed for six months, and that he was ready to pay for Balile's upkeep, which would cost about TZS 10,000 (\$6.40) a day. Balile suspected that the court orders had in fact been drafted by Manji's lawyer, and that a magistrate had simply signed and stamped them. The documents included many spelling mistakes and factual errors. Issuing injunctions *ex-parte* was also unusual, especially for defamation cases.

Balile hired a lawyer to contest Manji's claims. He also went to the Media Council of Tanzania, where he learned that Manji had obtained another eight injunctions against other newspapers, banning them from writing about Manji. But the injunctions had not been made public, pending hearings in all cases. The injunctions "are completely killing the freedom of the press in the country, so I was determined to vigorously challenge this," Balile says. "It is time-wasting, stressful." He adds:

One days I [was supposed] to travel to Zanzibar, but I had to cancel the trip simply because I had to go to the court. And when I went there, the magistrate was not in.

The hearings, it seemed, were difficult to schedule. Balile speculated that Manji was trying to delay the legal cases, and that incidents like the magistrate's absence were not a coincidence. Manji was vying for the chairmanship of the prestigious Yanga Sports Club, and Balile theorized that the CEO did not want his bid threatened by negative publicity from local newspapers—nor did he want it known that he had won temporary injunctions against them. "I think the court is afraid to pronounce the judgment that newspapers are banned from writing anything about him," says Balile. "Simply because they know that if they do, it will be heavily publicized. [And] he will lose the chairmanship."

Because of these delaying tactics, Balile decided in June 2012 to challenge Manji in the high court. He expected the case to take at least six months. If the court decided in his favor, the injunctions against all the newspapers would be quashed. As of fall 2012, there had still been no hearing in the *Jamhuri* cease-and-desist case.