

STATEMENT ON THE NATIONAL ELECTION PROCESS

1. The Tanganyika Law Society has been following keenly the elections process and members of the Society wish to commend and congratulate the people of Tanzania for the peaceful manner in which the elections were held in spite of isolated skirmishes. We join the election observers to pronounce the elections as having been generally peaceful, free and fair. The record breaking turnout at the polling stations, the patience demonstrated by voters throughout the process, the vote counting attests to the political maturity of our people and their passion for peace and harmony.
2. To an extent, we also commend the Zanzibar Electoral Commission (ZEC) and the National Electoral Commission (NEC) for a job well done until towards the end of the exercise when we witnessed occurrences which we find very serious flaws in the electoral process.
3. HOWEVER, the Society has received with shock the statement issued on 28th October 2015 by the Chairman of ZEC announcing the nullification of the Zanzibar general elections on allegations of nine irregularities. The statement was wholesale and it rubbished all election results on the Isle. We have consulted our colleagues in the Zanzibar Law Society and confirmed that the ZEC Chairman did not consult the Commissioners and this is borne out by the language of the statement. The statement is a violation of Article 119(1) of the

Constitution of Zanzibar of 1984 and the Zanzibar Elections Act as it amounts to usurpation by the Chairman of the powers which by law are vested in the Commission and not in the Chairman acting alone.

4. Equally controversial was a follow up statement by the Chairman of NEC which in effect was to “rescue” Presidential and Parliamentary votes from the condemned electoral process in Zanzibar. These votes were cast within the same polling stations and were based on the same Register of Voters as the condemned votes. The ZEC Chairman’s statement, assuming it was lawful (which it is not), then as all the votes cast in Zanzibar are tainted with irregularity.
5. We have read the statement issued by the President of Zanzibar Law Society and we join hands with him on recommendations he made and which we reproduce below;
 - a. We urge the Commissioners of the Zanzibar Electoral Commission to renounce the statement made by the ZEC Chairman because it was made illegally. The Zanzibar Elections Act has extensive and elaborate provisions to allow for and to resolve the nine (9) core reasons that were used to justify the cancelation of the General Elections
 - b. We urge and appeal that high level consultations are held immediately amongst all political, governmental and civil society stakeholders to arrive at a solution that will serve this country from a looming constitutional crisis. They should put aside their differences and put the interests of Tanzanians first and come together to find a speedy resolution to the issues that have led to

this unfortunate development for furtherance of Democracy,
Peace and Unity of people of Zanzibar.

- c. It is prudent that the process of tabulating/tallying the votes in Zanzibar resumes so that eventually election results are announced.

**ISSUED UNDER THE AUTHORITY OF THE GOVERNING COUNCIL THIS
30th OCTOBER 2015**



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**Charles Rwechungura
Dar es Salaam**

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