

The Tanganyika Law Society

PRESS STATEMENT ON THE ARREST OF ADVOCATE SHILINDE NGALULA WHILE IN THE COURSE OF PERFORMING HIS DUTIES AS AN OFFICER OF THE COURT

Introduction

On Friday 22nd July 2016, we learned that one of our member, Advocate Shilinde Ngalula was arrested; temporarily detained and questioned while undertaking his duties as an advocate in Loliondo District by security organs on allegations of community incitement and espionage.

We have established beyond per adventure that during his arrest on 22nd July, 2016, Mr. Ngalula was following up a case involving his clients who had been earlier arrested and detained by the Tanzania Police Force for several days in Police cells without being formally charged contrary to laid down procedures. We were informed that these arrests were part of a security operation in a long standing land dispute between Maasai pastoral communities and foreign investors from UAE and USA.

While following up on the matter we received information that Advocate Ngalula was later released on Police bail with directions that he should report back to the Police Station on Monday, 25th July 2016 for statement taking. Following the directives that he should report back on 26th July 2016, Advocate Ngalula opted to comply with the order and remained in Loliondo rather than returning to his base in Arusha Town. We wish to record that while undergoing all this interrogation procedures, Mr. Ngalula had not been accorded an opportunity to perform his noble obligations as an Advocate by failing to meet his clients who were under police detention.

The TLS being mindful of the need to maintain sanity during the investigation process issued a muted statement while engaging in diplomacy to pacify the situation.

Events of Monday, 25th July, 2016

Earlier on Monday, 25th July, 2016, Advocate Ngalula dully reported at the Police Station to record a statement as directed but he was ordered to leave the police station unconditionally as the OCD denied to have made an order to arrest him nor the order to report to the police station for interrogation. The TLS through its Arusha Chapter was made aware of this development and received the news with jubilation.

Being a free man with no charge sheet on his neck Advocate Ngalula assumed his role as an Advocate of the High Court and proceeded to the Loliondo District Court to resume his noble duty as a counsel for the accused whom he had information were due to appear in Court.

It is while in this subsequent task that he was re-arrested again in court precincts complete with his full court attire while waiting to represent his clients.

We are duly informed that Advocate Shilinde this time around was not informed about his grounds of arrest; was handcuffed while in the court and was made to walk from the court precincts in handcuffs while wearing his court attire.

TLS position in the aftermath of the subsequent re-arrest of Advocate Shilinde

While the TLS doesn't want to pre-empt nor interfere with the ongoing investigation into the matter; we want to voice the following concerns and observations:-

1. That the TLS is convinced that the re-arrest of Advocate Ngalula while undertaking his noble function as an officer of the High Court of Tanzania while inside the perimeters of the court is illegal, improper, irregular and unprocedural.
2. That the TLS is convinced that, going by the nature of events and eye witness accounts; the re-arrest of Advocates Shilinde in the afternoon of 25th July, 2016 appears to offend clear provisions of the Constitution of the United Republic of Tanzania of 1977, the Advocates Act, Cap 341, the African Charter on Human and Peoples' Rights and the United Nations Basic Principles on the Rights and Welfare of Lawyers which provide for the independence of lawyers and guarantee their freedom while undertaking their professional obligations.
3. That the TLS is convinced that the re-arrest of Advocate Shilinde inside court precincts while dully dressed as an Officer of the Court and being led away handcuffed derogates the sanctified privileges that are bestowed upon advocates in their professional capacity.

TLS Demands and Plea:-

In view of the above the Tanganyika Law Society:-

1. Calls upon the Inspector General of Police (IGP) and all officers serving under him in Arusha and Loliondo to intervene immediately and order the release of Advocate Ngalula unless he is subsequently and formally charged with an offence in the next 24 hours.

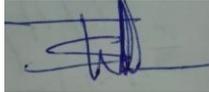
2. The TLS calls upon the Chief Justice of Tanzania; Minister of Constitutional Affairs and Justice and the Director of Public Prosecutions in their respective constitutional and public roles to intervene; establish the veracity of Advocate Ngalula Shilinde's arrest in the court and issue appropriate administrative orders to preserve the sanctity of courts precincts in Tanzania as a place of refuge where the weak and their guardians including advocates can freely run to and feel safe and secure.

TLS remains actively seized of the matter and reserves all rights to pursue and protect the rights of its members and shall do so without fear but while paying due respect to the administrative structures.

We plead to our members to remain calm as we hasten to get to the bottom of the matter and we pray and hope that the powers that be; will see sense in our polite engagement with them and will act in good faith in the same manner that we have done.

The Governing Council of the Tanganyika Law Society shall continue to monitor the situation and shall be receiving daily feedback from its Arusha Chapter and advice accordingly.

In defense of our rights to practice as Advocates of the High Court,



John Seka
President – Tanganyika Law Society
26.07.2015