

11<sup>th</sup> April, 2025

**TANGANYIKA LAW SOCIETY (TLS)**  
**PUBLIC STATEMENT ON THE ARREST OF ADVOCATE TUNDU A. LISSU**

The Governing Council of the Tanganyika Law Society (TLS) wishes to issue the following public statement regarding the arrest of Advocate Tundu Antipas Lissu.

In fulfilling its constitutional and statutory mandate to uphold the rule of law, promote justice, and protect the integrity of the legal profession, the Tanganyika Law Society expresses deep concern over the circumstances and manner surrounding the arrest and detention of Advocate Tundu A. Lissu. The Society is particularly alarmed by the alleged violations of constitutional rights and criminal procedural safeguards that have characterized this incident.

**Violations of Constitutional and Legal Rights**

TLS strongly condemns the arrest of Advocate Tundu A. Lissu, which appears to have involved a series of unlawful acts in breach of the Constitution of the United Republic of Tanzania (1977) and the Criminal Procedure Act, R.E. 2022. These violations include:

**a) Violation of the Right to Freedom of Association**

The arrest of Mr. Lissu contravenes Article 20 of the Constitution, which guarantees the right to freely associate. His detention prevented citizens from exercising their right to attend and listen to a legally recognized political gathering, thereby infringing on their political and participatory rights. The nature of his arrest, involving public harassment, also deprived him of his constitutional right to freely associate in his capacity as a political leader.

**b) Violation of the Right to Freedom of Expression**

Article 18 of the Constitution guarantees every citizen the right to freedom of expression. As a senior member of the opposition, Mr. Lissu's arrest appears to be a direct attempt to suppress his right to express political views and engage in public discourse.

**c) Non-Compliance with the Criminal Procedure Act**

The arrest exhibited serious procedural irregularities, in contravention of Sections 11, 12, 14, 21, 23, and 54 of the Criminal Procedure Act, including:

- Failure to clearly communicate the offense for which he was arrested.
- Absence of a valid arrest warrant at the time of detention.
- Denial of the right to contact legal counsel, family members, or associates.
- Use of excessive force, contrary to legal provisions that prohibit force likely to cause death or serious harm.

## **TLS RECOMMENDATIONS AND THE WAY FORWARD**

In response to these violations and in the interest of protecting legal professionalism and democratic principles, the TLS resolves as follows:

### **i. Condemnation of Unlawful Arrests**

The TLS categorically condemns the unlawful arrest and detention of Advocate Tundu A. Lissu as a violation of constitutional freedoms and a threat to the rule of law and democratic governance.

### **ii. Advocacy for Non-Violent Conflict Resolution**

We urge all political actors and the general public to uphold peace and resolve conflicts through non-violent means, especially during this crucial electoral period.

### **iii. Call for Legal and Political Reforms**

TLS calls for urgent political and legal reforms to ensure fair, inclusive, and lawful participation in national political processes, thereby reinforcing democratic stability.

### **iv. Evidence-Based Law Enforcement**

Law enforcement agencies must ground their actions in verified facts and strictly adhere to legal procedures, especially when handling cases involving political figures or members of the legal profession.

### **v. Prevention of National Discontent**

Unlawful political arrests have the potential to trigger resistance and unrest. Authorities must adopt lawful and preventive measures to preserve peace and national unity, and to avoid creating fear among political actors ahead of the upcoming elections

### **vi. Promotion of Inter-Party Dialogue**

TLS encourages open and constructive dialogue between political parties as a means to reduce tensions and foster national harmony.

### **vii. Enhancement of Legal Competence in Public Offices**

We recommend that the Office of the Attorney General and prosecutorial authorities maintain the highest standards of legal competence and professionalism, particularly in politically sensitive matters.

### **viii. Rationalization of Treason Charges**

The Director of Public Prosecutions (DPP) must ensure that charges especially grave ones such as treason are supported by concrete evidence and legal justification. Political leadership alone does not constitute an act of treason under the current legal framework.

#### **ix. Immediate Release of Advocate Tundu A. Lissu**

The TLS calls for the immediate and unconditional release of Advocate Tundu A. Lissu. His arrest undermines the integrity of the legal profession and the principles of justice. His continued detention sends a chilling message to legal practitioners and political participants alike. If this call is not heeded, TLS reserves the right to recommend the suspension of dock brief representation and other pro bono legal services offered by TLS and its members. This measure would be taken as a peaceful form of protest against continued harassment and politicized persecution.

#### **Final Call**

The Tanganyika Law Society reaffirms its unwavering commitment to constitutionalism, the protection of human rights, and the sanctity of the rule of law. We call upon all relevant authorities including the Police Force, the Director of Public Prosecutions, and the Judiciary to act with impartiality, fairness, and legality in all matters involving political engagement and public participation.

*“Justice must not only be done; it must also be seen to be done.”*

**Issued in Dar es Salaam by the Governing Council of the Tanganyika Law Society**



**Boniface A.K. Mwabukusi**  
**President.**