JOINT SOLIDARITY STATEMENT

TANZANIA: LAW ORGANISATIONS STAND IN SOLIDARITY WITH TLS PRESIDENT BONIFACE MWABUKUSI AND CALL FOR PROTECTION OF THE INDEPENDENCE OF THE LEGAL PROFESSION

10 October 2026

We, the undersigned lawyers' associations, bar associations and legal professional organisations, concerned organizations express our solidarity with Advocate Boniface Anyisile Kajunjumele Mwabukusi, President of the Tanganyika Law Society (TLS), and express our grave concern regarding ongoing disciplinary proceedings seeking his permanent removal from the Roll of Advocates for statements he made on behalf of the Law Society.

We call for the protection of Advocate Mwabukusi and the independence of the Tanzanian legal profession while the disciplinary proceedings, and his constitutional challenge of the legality of the disciplinary mechanism, remain before the courts.

The proceedings impact the functions of a bar association

On 28 May 2026, Advocate Chacha Mwita Nashon filed Application No. 04 of 2026 before the National Advocates Committee (NAC) seeking the permanent removal of Advocate Mwabukusi from the Roll of Advocates.

The Application relied on statements made by Advocate Mwabukusi at the TLS Annual General Meeting (AGM) in Arusha on 2 May 2026, and at a TLS press conference on 11 May 2026. In these statements, Advocate Mwabukusi expressed concern regarding the prosecution and detention of former TLS President and CHADEMA opposition leader Tundu Lissu on treason charges. Mr Lissu's case was a matter of significant public interest ahead of Tanzania's 2025 general elections. Human rights groups expressed alarm regarding Mr Lissu's lengthy (still ongoing) pretrial detention since April 2025, and the fact that he faces the death penalty if convicted, for a political speech. United Nations Special Rapporteurs have condemned this prosecution and called for its termination. The Commonwealth Ministerial Action Group (CMAG) have also called for its termination.

The disciplinary complaint alleged that Advocate Mwabukusi's statements contravened Regulation 137 of the Advocates (Professional Conduct and Etiquette) Regulations, 2018, which prohibits comments by an advocate on a case pending before a court in a manner that

prejudges its outcome. According to his representatives, however, Advocate Mwabukusi acted in his capacity as the elected President of TLS and simply communicated the position adopted by the Society's members. The TLS AGM had adopted a Resolution directing the Governing Council to communicate the Society's position publicly, and the subsequent press conference was convened pursuant to that Resolution.

Beyond the rights of freedom of expression of individual lawyers, the proceedings thus raise fundamental questions about whether the elected leadership of a national bar association can communicate publicly on matters concerning the administration of justice, fair trial rights, human rights and the rule of law without facing professional sanctions.

A serious threat to the independence of lawyers

We are particularly concerned that the proposed sanction in this case, of permanent removal from the Roll of Advocates - for communicating a position concerning the administration of justice, adopted by the Society - is exceptionally severe.

The resulting chilling effect may extend to every lawyer and professional association considering whether to speak publicly on human rights, judicial independence or politically sensitive prosecutions. These proceedings thus have implications for the entire Tanzanian legal profession.

The **United Nations Basic Principles on the Role of Lawyers** recognise that lawyers must be able to perform their professional functions without intimidation, hindrance, harassment or improper interference. Principle 23 specifically protects lawyers' participation in public discussion concerning the law, the administration of justice and the promotion and protection of human rights. Principle 24 recognises the importance of independent professional associations of lawyers.

Concerns regarding the disciplinary mechanism

We also raise structural concerns regarding the independence and impartiality of the NAC.

On 15 September 2026, Advocate Mwabukusi filed a Constitutional Petition before the High Court of Tanzania at Dodoma challenging the constitutionality of the composition and operation of the NAC, set out in sections 5, 9, 18, 19, 20 and 38 of the Advocates Act. The concerns include the participation and powers of senior executive legal officers, including the Attorney General, within the disciplinary framework.

Systemic concerns previously documented by TLS and its partners also include: executive influence over disciplinary processes, reprisals against lawyers, administrative and judicial harassment, and interference with the independence of the Bar. TLS and partners have called for executive participation in disciplinary bodies to be removed and for an independent disciplinary mechanism to be established.

These concerns engage Principles 24, 28 and 29 of the UN Basic Principles on the Role of Lawyers, which protect the independence of professional associations and require disciplinary

proceedings to be determined by an independent and impartial disciplinary body in accordance with recognised professional standards.

Due process and fair hearing

We are further concerned that the proceedings may not be following due process. The NAC conducted a *prima facie* assessment and issued a show-cause summons on the same day the Application was filed, without first providing Advocate Mwabukusi an opportunity to be heard. The proceedings have also been conducted virtually and in camera (closed court), limiting independent monitoring of a matter of significant public interest.

We welcome the Decision of the High Court of the United Republic of Tanzania, issued on 7 October 2026 to stay the NAC proceedings, pending the outcome of the Constitutional Petition. However, it is a temporary procedural safeguard, not a resolution. The underlying disciplinary Application remains pending. We have been informed by Counsel, which information we reasonably believe to be accurate, that the NAC may be planning to proceed extremely rapidly with the matter, despite the widely publicised Stay Orders. We therefore urge that the Stay and the pending constitutional proceedings be respected and that no irreversible professional sanction be imposed while the constitutional questions concerning the disciplinary framework remain unresolved.

The right to a fair hearing and due process is protected under the Tanzanian Constitution, under Article 7 of the African Charter on Human and Peoples' Rights and under Article 14 of the International Covenant on Civil and Political Rights (ICCPR).

A wider pattern affecting Tanzania's legal profession

The proceedings against Advocate Mwabukusi must also be viewed against the broader environment facing lawyers in Tanzania.

TLS and its partners have documented a systemic pattern of executive influence over disciplinary proceedings, arrests and prosecutions of lawyers in connection with their professional activities, administrative and judicial harassment, reprisals against lawyers for criticism of government, and interference with the independence of the bar. Previous disciplinary proceedings against former TLS President Fatma Karume in 2020, for example, resulted in her disbarment, following her written submissions in a case challenging the appointment of the Attorney General.

Other incidents since 2017 include:

- The bombing of the Chambers of IMMMA Advocates in August 2017 where the then TLS President Fatma Karume was a partner;
- The assasination attempt on the then TLS President Tundu Lissu in September 2017;
- The arrest, detention and subsequent proceedings against Advocate Tito Magoti in 2019 ;
- The 2020 disbarment proceedings against Advocates Jebra Kambole and Edson Kilatu over social media posts;

- The 2023 arrest and treason charges against Advocate Mwabukusi following his criticism of a port deal between the Governments of Tanzania and the United Arab Emirates (UAE);
- Death threats against former TLS President Dr. Rugemeleza Nshala; and
- The suspension of Senior Advocate Mpale Mpoki in November 2023, without charge or notice, in the middle of a hearing at which he was appearing as Advocate Mwabukusi's counsel.

The present proceedings are particularly concerning because, like the proceedings against Ms Karume, they involve a sitting President of TLS, and they arise from the exercise of institutional functions connected to the Society's role in protecting the administration of justice and the rule of law.

Our calls

The independence of the legal profession is a fundamental safeguard for access to justice, fair trials, human rights, judicial independence and the rule of law. Lawyers must be able to defend these principles, represent their clients, challenge unlawful government action, participate in public debate and, through their professional associations, speak on matters concerning the administration of justice, without fear of retaliation or the loss of their professional status.

We therefore:

1. **Stand in solidarity** with Advocate Boniface Mwabukusi and the Tanzanian legal profession;

2. **Welcome** the Stay of the NAC proceedings decreed by the High Court on 7 October 2026 and call for the stay to be fully respected;

3. **Call upon** the High Court to hear the Constitutional Petition expeditiously;

4. **Call upon** the NAC to respect the Stay of proceedings decreed by the High Court;

5. **Call upon** the NAC, should proceedings resume nonetheless, to hold them in public, with access for independent observers;

6. **Call upon** the Government of Tanzania to respect the independence of lawyers and TLS, including the right of lawyers and their professional associations to participate in public discussion concerning the administration of justice, human rights and the rule of law;

7. **Call upon** the NAC to ensure that no irreversible professional sanction is taken against Advocate Mwabukusi while the constitutional questions concerning the disciplinary framework remain pending before the High Court;

8. **Call for** the withdrawal of Application No. 04 of 2026 or, failing that, its dismissal in light of principles 23 and 24 of the UN Basic Principles on the Role of Lawyers.

9. **Call upon** the relevant authorities to ensure that all disciplinary proceedings against lawyers are determined by a genuinely independent and impartial mechanism, consistent with Principles 28 and 29 of the UN Basic Principles on the Role of Lawyers;

10. **Call for** a review of the Advocates Act, including removal of the Attorney General, the Deputy Attorney General and the DPP from the disciplinary process for advocates, so that discipline is vested in a body independent of the executive, in compliance with international and regional standards on the independence of the legal profession; and

11. **Call upon** the authorities to refrain from using disciplinary, administrative or criminal processes to intimidate, punish or otherwise retaliate against lawyers for legitimate professional functions, public-interest advocacy or lawful expression.

12. **Call for** structural reform of the NAC to end Attorney General control over lawyer disciplinary proceedings.

13. **Urge** the UN Special Rapporteur on the Independence of Judges and lawyers, alongside the African Commission's Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals and Judicial Independence to operationalize the Addis Ababa Roadmap by undertaking joint action and issuing an urgent communication to the Government of Tanzania regarding current threats to judicial independence.

14. **Urge** all professional legal bodies, lawyers and like minded organizations to stand with Advocate Mwabukusi and condemn this attack and call for reforms to the composition of NAC.

Signatories

East Africa Law Society (EALS)

International Bar Association ,Human Rights Institute (IBAHRI)

Lawyers For Lawyers (L4L)

Pan African Lawyers Union (PALU)

Southern African Development Community Lawyers Association (SADC-LA)