



Commonwealth Lawyers Association

Statement regarding Fatma Karume

On 20th September 2019, Ms Karume was indefinitely suspended from practicing law within the jurisdiction of mainland Tanzania by the High Court of Tanzania. Ms Karume's suspension was in response to allegations of misconduct following her written submissions in a constitutional challenge to the President's appointment of Professor Adelardus Kilangi as the Attorney General of Tanzania.

The CLA:

Recalling that the Basic Principles on the Role of Lawyers (Basic Principles) were Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990;

Noting that the Basic Principles state at paragraph 16:

"Governments shall ensure that lawyers

(a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; and

(c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics."

Noting also that the Basic Principles state at paragraph 19:

"No court or administrative authority before whom the right to counsel is recognized shall refuse to recognize the right of a lawyer to appear before it for his or her client unless that lawyer has been disqualified in accordance with national law and practice and in conformity with these principles."

And Noting further that the Basic Principles state at paragraphs 27, 28 and 29:

"27. Charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures. Lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice.

28. Disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review.

29. All disciplinary proceedings shall be determined in accordance with the code of professional conduct and other recognized standards and ethics of the legal profession and in the light of these principles."

In highlighting the basic principles no person's rights shall be taken away without due process and in the circumstances

- **Ask that Ms Karume's suspension be immediately lifted pending the hearing of the case alleging professional misconduct before the Advocates' Disciplinary Committee.**
- **Express concern that suspension has operated without a hearing having taken place**
- **Urge the Committee to deal with the matter promptly and with due process and with respect for the Rule of Law.**

Commonwealth Lawyers Association (CLA)

18th March 2020

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. commonwealthlawyers.com