



# Commonwealth Lawyers Association

## Statement on concerns over due process in the Case of Tundu Lissu and the Rule of Law in Tanzania

The Commonwealth Lawyers Association (“CLA”) notes the concerns expressed in the [Statement](#) of 14 April 2025 issued by Bar associations across Africa and the International Commission of Jurists<sup>1</sup> regarding the manner of arrest and deprivation of access to justice and fair trial of Tundu Antipas Lissu (“Tundu Lissu”), following a peaceful assembly advocating electoral reforms.

Tundu Lissu is a former President of the Tanganyika Law Society (TLS) and a human rights lawyer.

The Statement alleges that Tundu Lissu was not informed of the reason for his arrest or the charges against him at the time of his arrest, and was held incommunicado for nearly 24 hours, with no information forthcoming from the police regarding his whereabouts. He was then produced in the Resident Magistrate Court where he pleaded not guilty to the charges of publication of false information but was not afforded the opportunity to plead to the charge of treason, by reason of a legal technicality requiring the offence to be substantively tried by the High Court. He was denied bail and remains in detention.

The CLA recalls the foundational principle in the [Commonwealth Principles on Freedom of Expression and the Role of the Media in Good Governance](#) (known as the “Commonwealth Media Principles”), adopted at the October 2024 Commonwealth Heads of Government Meeting held in Samoa, which affirms as follows:

Freedom of expression is a cornerstone of democracy and underpins good governance, public accountability and respect for all human rights. Everyone has the right to freedom of expression, which includes the right to seek, receive and impart information and ideas of all kinds through any media and regardless of frontiers. Member states should respect the right to freedom of expression and promote the free flow of information and ideas. (emphasis added)

The core values in the [Commonwealth Charter](#) includes commitments to “equality and respect for the protection and promotion of civil, political, economic, social and cultural rights” while the [African Charter](#) explicitly guarantees the rights to freedom of expression and assembly (Articles 9 and 11). These rights are likewise enshrined in the [Universal Declaration of Human Rights](#) (Articles 19 and 20). We further recall Principle IX of the [Commonwealth \(Latimer House\) Principles on the Three Branches of Government](#), which provides that “[a] transparent and accountable government, together with freedom of expression, encourages the full participation of its citizens in the democratic process.”

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<sup>1</sup> Signatories to the Statement: East African Law Society, International Commission of Jurists – Kenya, International Commission of Jurists, Law Association of Zambia, Law Society of Kenya, Pan African Lawyers Union, SADC Lawyers Association, Tanganyika Law Society, Uganda Law Society

The CLA further notes Articles 18 and 20 of the [Constitution of the United Republic of Tanzania](#), which enshrine the rights to freedom of expression and association:

Every person has a freedom of opinion and expression of his ideas ... [the] right to seek, receive and, or disseminate information regardless of national boundaries ... [and] the freedom to communicate ... with protection from interference;

Every person has a freedom, to freely and peaceably assemble, associate and cooperate with other persons, and for that purpose, express views publicly and to form and join with associations or organisations formed for purposes of preserving or furthering his beliefs or interests or any other interests.

In addition, Article 13 of the Constitution provides establishes key principles relating to the right to a fair trial, including the presumption of innocence, and the protection of human dignity in all activities pertaining to criminal investigations and its process.

The right to a fair trial is a sacrosanct and universally recognised principle — an essential bulwark against injustice. It requires adherence to fundamental procedural guarantees necessary to uphold human dignity and to protect the inherent rights to life, liberty, and security of person. Any departure from these standards not only violates individual rights but also undermines public confidence and erodes the core values of a democratic society governed by the rule of law.

The CLA echoes the call made in the Statement, urging the Tanzanian authorities to cease any further erosion of the rule of law, and to fully respect and protect the rights of the people of Tanzania — including the rights to freely associate, peacefully assemble, and engage in democratic discourse.

We further urge the Government of Tanzania to uphold its international commitments and to take all necessary steps to ensure that fundamental rights and freedoms are respected, protected and fulfilled in both law and practice.

**Commonwealth Lawyers Association (CLA)**  
**25<sup>th</sup> April 2025**

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](http://commonwealthlawyers.com)