



Statement in Support of the Tanganyika Law Society and Its President, and on Threats to the Independence of the Legal Profession in Tanzania

The Commonwealth Lawyers Association (CLA) notes with serious concern the joint statement issued on 10 October 2026 by the East Africa Law Society, the Southern African Development Committee Lawyers Association, the Pan African Lawyers Union and others (the Joint Statement).

The Joint Statement raises grave concerns about the disciplinary proceedings against the President of the Tanganyika Law Society (TLS), Advocate Boniface Mwabukusi, including the fairness of the process and the proposed sanction of permanent removal from the Roll of Advocates.

The proceedings relate to a statement made by Advocate Mwabukusi in his capacity as TLS President, communicating the TLS's position on the prosecution of former TLS President and opposition leader Tundu Lissu.

The CLA is an international professional legal organisation dedicated to promoting the rule of law throughout the Commonwealth. It works to ensure that Commonwealth citizens are served by an independent and effective legal profession, and to advance the administration of justice and the protection of human rights in accordance with the Harare Declaration, the Latimer House Principles and the Commonwealth Charter.

The CLA had on 23 May 2025 issued our statement on the detention and deportation of observers of the trial of Tundu Lissu. The CLA had also on 6 June 2025 issued a statement on the mistreatment of Boniface Mwangi and Agather Atuhairi, who both intended to observe the trial of Tundu Lissu. These statements raised serious concerns of violation of the rule of law by the authorities in Tanzania in relation to the trial of Tundu Lissu.

The attempt to impose disciplinary sanctions on the President of the TLS, as a spokesperson for the TLS, is an attack on the independence of the legal profession, and the rights of the TLS as an independent bar association charged with professional and societal responsibilities.

The Joint Statement rightly refers to the United Nations Basic Principles on the Role of Lawyers. The CLA also draws attention to the Goa Declaration, signed by Bar leaders at the Commonwealth Law Conference in Goa, India, on 5 March 2023.

The Goa Declaration reaffirms that an independent legal profession is fundamental to the rule of law and democracy and enables governments and public bodies to be held to account.

Clauses 6 and 7 of the Goa Declaration provide:

6. Lawyers must be free to perform all their professional duties without threats, intimidation, hindrance, harassment or improper interference or influence.

7. Lawyers must not suffer or be threatened with any criminal prosecution, civil action, or sanctions of administrative, economic, or other nature for the discharge of their professional functions in accordance with recognized professional and ethical standards.

The CLA considers the disciplinary action against Advocate Mwabukusi to be unacceptable and risks chilling the work of lawyers, professional associations and their officers. It flies in the face of the principles of the rule of law that the President of a Bar Association may face disciplinary action for communicating a position formally adopted by that Association.

The CLA stands firmly in support and in solidarity with Advocate Mwabukusi and the TLS and unreservedly endorses the Joint Statement.

The CLA calls on the Tanzanian authorities:

- To immediately withdraw the disciplinary proceedings against Advocate Mwabukusi,
- To refrain from abusing disciplinary, criminal or other proceedings in *terrorem* to intimidate or punish lawyers who are lawfully performing their professional duties or carrying out their responsibilities as Bar leaders.
- To respect the independence of the legal profession, which includes the right of the TLS and its leaders to speak without fear or favour in upholding the rule of law.
- To cease and desist from resorting to disciplinary action to muzzle the exercise of the freedom of speech and expression by any leader of the TLS in the discharge of their duties to the legal profession in Tanzania and to the people of Tanzania.

21st October 2026

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