



INDEPENDENCE OF THE LEGAL PROFESSION IN TANZANIA

Joint stakeholder fact sheet • UN Universal Periodic Review • 4th Cycle •
53rd Session (Oct–Nov 2026) • Submitted 10 April 2026



Overview

PALU and TLS have submitted a joint stakeholder report to the UN Universal Periodic Review (Fourth Cycle) on Tanzania's compliance with international human rights obligations relating to the independence of the judiciary, the legal profession and fair-trial rights, covering the period since the 2021 review. The evidence gathered points to a **documented pattern of reprisals against lawyers, misuse of criminal law, and structural interference with the legal profession**. Key 2021 recommendations remain, in the main, unimplemented.

Applicable Legal & Normative Framework

Binding: International Covenant on Civil and Political Rights (ICCPR); African Charter on Human and Peoples' Rights. **Soft law:** UN Basic Principles on the Role of Lawyers; UN Basic Principles on the Independence of the Judiciary. **Domestic:** Constitution (arts. 13, 15(2), 18, 20, 107A(2)) — but judicial independence is undercut by arts. 109(1), 109(8), 110A, 112, 118 and 120A concentrating appointment, tenure and removal in the Presidency; the Advocates Act [Cap. 341 R.E. 2023] and TLS Act [Cap. 307 R.E. 2023] allow executive participation in disciplinary bodies contrary to **Basic Principle 28**.

Implementation of 2021 UPR Recommendations (Third Cycle)

REC. NO.	RECOMMENDING STATE	RECOMMENDATION	STATUS
145.47	Norway	Strengthen judicial independence	NOT IMPLEMENTED
145.48	Russian Federation	Improve judicial functioning	PARTIALLY IMPLEMENTED
145.51	—	Protect lawyers from intimidation and reprisals	NOT IMPLEMENTED
147.76	United Kingdom	End illegal pre-trial detention	NOT IMPLEMENTED
147.78	United States	Ensure fair hearings	NOT IMPLEMENTED
147.86	France	Guarantee freedom of expression, release detained lawyers	NOT IMPLEMENTED
147.88	—	Review laws restricting freedom of expression	NOT IMPLEMENTED
147.99	Norway	Protect human rights defenders	NOT IMPLEMENTED
147.101	Finland	Ensure civic space	NOT IMPLEMENTED

Systemic Patterns of Interference

Executive influence on discipline

The Attorney General, Deputy AG and Director of Public Prosecutions sit on the Advocates Committee, creating conflicts of interest in cases against government-critical lawyers (contrary to Basic Principle 28).

Criminalisation of legal work

Lawyers arrested, prosecuted and disciplined — including on sedition and treason charges — for public-interest litigation and criticism of government (Basic Principles 16 & 23).

Arbitrary arrest & detention

Prolonged pre-trial detention under non-bailable offences, denial of prompt judicial oversight, misuse of anonymous-witness protections (ICCPR arts. 9 & 14).

Constrained judicial independence

Constitution arts. 109(1), 109(8), 110A, 112, 118 and 120A concentrate appointment, tenure and removal powers in the Presidency — undermining art. 107A(2).

Bar association interference

Ex-parte injunctions, irregular disqualifications and executive-driven disciplinary suits have disrupted TLS elections, meetings and statutory functions (Basic Principle 24).

Reprisals & forced exile

Disbarments (e.g. Fatma Karume, indefinitely suspended), threats and forced exile (e.g. Dr. Rugemeleza Nshala) linked to professional activities (Basic Principle 17).

Documented Cases (2021–2026)

Boniface Mwabukusi	Sitting TLS President. Arrested twice in 2023 (sedition, then treason-related grounds) after challenging the DP World port agreement. Disciplinary proceedings closed with a formal warning. His disqualification from the 2024 TLS presidential election was overturned by the High Court.
Tundu Lissu	Human rights lawyer, former MP and former TLS President; opposition (CHADEMA) leader. Charged with treason in April 2025 after a rally calling for electoral reform; held over one year under a non-bailable charge. UN Working Group on Arbitrary Detention Opinion No. 74/2025 (13 Feb. 2026) found his detention arbitrary and unlawful.
Fatma Karume	Former TLS President and prominent human rights lawyer. Disbarred by the Advocates Committee following disciplinary proceedings; remains indefinitely suspended.
Peter Michael Madeleka	Attorney General filed two separate removal cases over statements perceived as criticism of the judiciary. Proceedings discontinued after the High Court ordered withdrawal of the complaint for bias (2024).
Mkwikwini R. Joseph, Paul Kalomo & Mpale Mpoki	Suspended by the Advocates Committee for five years, two years and (2023) an unspecified period respectively; suspensions linked to public interest litigation and professional activities.
Dr. Rugemeleza Nshala	Prominent human rights lawyer forced into exile following threats linked to his professional activities and criticism of the government (contrary to Basic Principle 17).
TLS governance — Dec 2023	An ex-parte High Court injunction, filed and heard without notice to TLS the day before, blocked a TLS Extra-Ordinary General Meeting on proposed Advocates Act amendments, preventing TLS from providing its statutory recommendations to Parliament.
Post-October 2025 crackdown	Over 1,700 individuals reportedly held under investigation for non-bailable offences including treason following the 2025 general elections; UN experts have condemned the “post-election lethal crackdown” and digital shutdown.

Recommendations to States (S.M.A.R.T.)

Legal & institutional reform 12 months	■ Amend the Advocates Act to remove executive participation in the Advocates Committee and establish an independent disciplinary mechanism (Basic Principles, Principle 28). ■ Amend Section 4 of the Advocates Act to exclude the Attorney General, Deputy Attorney-General and Director of Public Prosecutions from the composition and quorum of the Advocates Committee in any disciplinary case they initiate. ■ Amend Constitution arts. 109(1), 109(8), 110A, 112, 118 and 120A to ensure judicial appointments and removals are independent, transparent and merit-based, including through a Judicial Service Commission with a majority of non-executive members.
Protection of lawyers 6 & 12 months	■ Publicly condemn all acts of intimidation and reprisals against lawyers within 6 months, and ensure accountability (Recommendation 145.51). ■ Establish an independent mechanism within 12 months to investigate complaints of harassment or attacks against lawyers, and to review arbitrary suspensions and disbarments (Basic Principles, Principle 16).
Fair trial & criminal justice 12 months	■ Amend legislation to remove non-bailable offences and guarantee judicial oversight of pre-trial detention (ICCPR art. 9; Recommendations 147.77, 147.79). ■ Limit the use of protected (anonymous) witnesses to strictly necessary and proportionate cases, with guarantees of equality of arms and fair trial (ICCPR art. 14). ■ Ensure all detainees are brought promptly before a judge and tried within a reasonable time.
Civic space & expression 12 months	■ Review and amend the Cybercrimes Act 2015, the Media Services Act 2016, the Electronic and Postal Communications (Online Content) Regulations, the Electronic and Postal Communication (SIM-Card Registration) Regulations of 2020 and the Statistics Act to align with ICCPR art. 19 (Recommendation 147.88). ■ Guarantee a safe and enabling environment for lawyers and human rights defenders (Recommendations 147.97, 147.105).
Bar association independence Ongoing	■ Ensure the Tanganyika Law Society can operate independently, including holding meetings and electing leadership without interference (Basic Principles, Principle 24).

Pan African Lawyers Union (PALU)

1 Kaunda Street, P.O. Box 6065, Arusha, Tanzania
legal@lawyersofafrica.org • +255 (0)685 078 794

Tanganyika Law Society (TLS)

391 Chato Street, Regent Estate, Dar es Salaam, Tanzania
info@tls.or.tz • +255 (0)777 815 757