

# **T** The Tanganyika Law Society

**FOR IMMEDIATE RELEASE (to be published in its entirety)**

**9<sup>th</sup> January, 2011**  
**DAR ES SALAAM**

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The Tanganyika Law Society (“TLS”) is the National Bar Association for mainland Tanzania, which was established under The Tanganyika Law Society Act, Chapter (CAP) 307 R.E. of 2002. Under the said Act, the TLS has the mandate to, among other things, assist the Government in matters affecting legislation, the administration and practice of law, as well as to protect and assist the public in all matters touching, ancillary or incidental to the law – in short, the observance of rule of law and good governance.

Following media and individual reports on the clashes in Arusha between the Police Force of the United Republic of Tanzania (“Police Force”) and Chama Cha Demokrasia na Maendeleo (Chadema) supporters in Arusha Municipality, the TLS communicated with several sources in Arusha, including its members, members of the media and victims of the violence to confirm the veracity of the reports. Our attempts to communicate with or contact the police officers in charge of Arusha Municipality were not successful.

It was brought to our knowledge that on 5<sup>th</sup> January, unarmed Chadema leaders and supporters staged a peaceful procession in Arusha Municipality, pursuant to a notification of the same delivered to the Arusha Municipality Officer Commanding District (OCD) on 31<sup>st</sup> December, 2010 and in furtherance of a 4<sup>th</sup> of January letter from, and consultative meeting with, the OCD confirming the security detail for the procession and assembly. We know that the Inspector-General of Police (IGP) on national news at 8PM (that is, less than twenty four hours before the intended procession) on 4<sup>th</sup> January issued a verbal warning stopping the procession but allowing the public assembly. We also know that despite the warning, the procession took place as planned.

We are informed that subsequent to this, the Police Force used force to stop the procession and to disperse the assembly, which resulted in at least two (2) deaths and injuries to several unarmed civilians. We are further informed that during the fracas, journalists conspicuously identified as such were targeted by the Police Force for simply covering the unfolding events, and that after the fracas the Police Force did not initially allow advocates to gain access to the people who were in police custody.

**Article 20** of the Constitution of the United Republic of Tanzania, 1977 (“the Constitution) guarantees every citizen the right to freedom of association and assembly. **Section 43 (1)** of The Police Force Auxiliary Services Act, CAP 322 R.E. 2009 prescribes a procedure for anyone desirous of convening, collecting, forming or organizing any assembly or procession in any public place pursuant to their constitutional right to assembly, which only requires notifying the Police Force in the area of the place and time at which the meeting will take place and the purpose of the

meeting. It is our understanding that the requirement of notification is prescribed by law to ensure that the Article 20 constitutional right is *preserved and protected* - and *not infringed upon* - by the Police Force. It is our view that the verbal warning issued by the IGP, in effect, banned the procession by Chadema because it did not provide for a clear alternative to when Chadema could hold its procession. But where there is a right, there is a remedy and Chadema should have sought recourse within the confines of the law. However, we are not certain that the IGP's verbal warning afforded Chadema with adequate opportunity to pursue any means prescribed in law to either overrule the IGP's warning or to stop the procession from physically taking place. That notwithstanding, the Police Force should neither be the cause of nor cause violations of constitutionally protected rights.

**Article 18** of the Constitution guarantees every person the right to freedom of expression, which includes the right to freely express ideas and opinions as well as the right to communicate and be informed. This right serves to protect expressions, information and communications, including that of media personnel. From the reports we received, it seems that this right was abridged by the Police Force.

**Section 54** of The Criminal Procedure Act, CAP 20 R.E. 2009 obligates a police officer to cause reasonable facilities to be provided to enable a restrained person to communicate with a lawyer, a relative or friend of his choice. From the reports we received, it seems that this right was – at least initially - infringed upon by the Police Force.

***Firmly committed to upholding and strengthening the rule of law and good governance by the State, knowing that when properly upheld, rule of law and good governance protect people from the arbitrary powers of the State; ascribing to the notion that impunity always leads to greater crimes; and believing strongly that justice must not only be done but must be seen to be done:***

**1. The TLS calls upon civilians and the State and its organs to observe and abide by the laws, the rule of law and good governance; and**

**2. The TLS strongly condemns the actions taken by the Police Force in denying the constitutional rights of association and assembly and of expression; and**

**3. The TLS strongly condemns the use of excessive force by the Police Force in dispersing the crowd of unarmed, peaceably processing and assembled civilians; and**

**4. The TLS calls on the Government of Tanzania to probe into the cause of and to investigate this unfortunate incident, to bring those accountable to task in accordance with the laws, and to continue using peaceful means of upholding rule of law and securing democracy for the national good.**

*Submitted by and on behalf of the Tanganyika Law Society*

**PRESIDENT**

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