



PRESS STATEMENT CONDEMNING THE DETENTION OF ADVOCATE D'SOUZA

Tanzania Human Right's Defenders Coalition (THRDC) is disappointed with the news regarding the detention of Advocate Meinrad D'Souza in Babati- Manyara region. Earlier on the 30th July 2018, Advocate D'souza was detained at the Manyara Regional Commissioner's Office, following the Regional Commissioner's order. It was alleged that, the reason for detention, was to force Advocate D'souza to communicate and persuade his clients Directors in dispute to pay the villagers an additional amount of compensation. After being detained for sometime in the Regional Commissioner's office, news spread on social media where upon the allegations against him and his clients were changed into incitement.

Having been detained for sometime by the police, Advocates in Arusha under the Tanganyika Law Society (Arusha Chapter) made efforts to ensure Advocate D'souza is released, and afterwards, they referred the matter to the court of law for the application of Habeas Corpus. In the evening of 31st July 2018 Advocate D'souza was released on bail.

Tanzania Human Rights Defenders Coalition being the umbrella organization defending human rights defenders, recognizes the fact that Advocates are human rights defenders as well who conduct their legal duties according to the laws of the country. The basis for Advocates' work is traced from the Constitution of the United Republic of Tanzania of 1977, The Advocates Act, Cap 341, the Regional and International Legal Instruments of which Tanzania is a signatory to. According to section 64 of the Advocates Act, an Advocate is an officer of the Court whose work is paramount to what the Magistrate and/or Judge is doing to ensure dispensation of justice. That being the case, Advocates are supposed to be accorded security and independence while performing their duties without any restrictions from any organ (be it private or government) so they can perform their duties for the betterment of the general public.

It is also worth noting that, THRDC had been condemning several incidents of violations of advocate's rights over the past five years of its existence. On 12th September 2017, the Coalition condemned the invasion of Prime Attorneys and IMMMA Advocates which was bombed by unknown assailants in Dar es Salaam. This happened on 26 August 2018 immediate after Tundu Lissu's (the then TLS President's) attack.

Of recent, there have been numerous incidents of human rights violations against HRDs. Advocates have been targeted while performing their legal work and often time government officials have been seen as a threat to Advocates' work. On 22nd July 2016, Advocate Shilinde Ngalula of the Legal and Human Rights Centre was arrested by police in Loliondo while performing his legal duties. His arrest was connected to allegations that he perpetrated chaos in Loliondo land disputes and therefore together with his clients they were alleged to have committed incitement. Incidents of human rights violations against advocates have happened also in Zanzibar whereby; Police Force were quoted in 2016 intimidating Practicing Advocates especially those providing legal aid in Unguja and Pemba, that they would be jointly charged as criminals.

Tanzania Human Rights Defenders Coalition believes that the effects of these acts against Advocates will be serious and the people will lose their right to access legal aid and representation from lawyers if these illegal acts persist.

Our Call;

You will all recall that the tendency of police detaining innocent people for many days and release them after an application for habeas corpus has become rampant. That being the case, and given the incident that the Regional Police Commander for Manyara is involved, HRDs in Tanzania hereby call upon;

- Regional and District Commissioners to stop the tendency of using their powers under sections 15 and 17 of the Regional Administration Act, 1996 to arbitrarily order detention of people unjustifiably.

- We remind the Police Force that they are required to hold the suspects in detention for a period not exceeding 48 Hrs due to the fact that they have no

proper infrastructure and no food for the suspects in case they are being held for such a long time. You will all recall what happened to a young HRDs Abdul Omari Nondo who was detained in police custody for over 19 days without being arraigned to court and or granted bail. This habit should stop immediately.

●Government officials and the general public should respect and recognize the work of advocates since they do their human rights work according to the laid down laws and regulations of this good country.

●We urge all Advocates in Tanzania and through their professional bodies to stand together and protect the freedom to carry out their duties.

●We urge government authorities to observe rule of law, respect for human rights, freedom of human rights defenders and separation of powers.

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By

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