



PRESS STATEMENT ON THE ARREST OF ADVOCATE JOSEPH RHOBI MARTINUS

1.0 Introduction

Tanzania Human Rights Defenders Coalition strongly condemns the arrest and continued detainment of Advocate Joseph Rhobi Martinus (Roll No. 7357) by the police force. The Advocate was arrested on 22nd November 2019 following the instructions of the Regional Commissioner of Shinyanga and was released that evening and was later arrested on 24th November 2019 morning. Joseph is now detained at Shinyanga Police Station.

Reports show that his repeated arrest was verified by Advocate Johannes Mbatina who has been following up on the arrest of Advocate Joseph. Up until now justifiable reasons for the arrest of Advocate Joseph have not been disclosed. The report stated that Advocate Joseph was arrested again immediately after the termination of the Police Commander of Shinyanga and the RCO of the region. Advocate Joseph is still detained by the Police force and his bail is yet to be processed. Advocate Joseph was arrested when performing his legal duties whereas he was representing his clients who are accused of tax evasion.

2.0 Advocacy work and Advocates' Legal Rights

It should be noted that according to section 64 of the Advocates Act, an advocate is an officer of the court and represents his clients in court and elsewhere according to the law. Therefore, the continued practice of arresting advocates and linking them to the crimes of their clients is contrary to the Constitution and laws of the country.

Also it is worth noting that according to Article 13 (6) (a) of the Constitution of the United Republic of Tanzania when the rights and duties of any person are being determined by the court or any other agency, that person shall be entitled to a fair hearing and to the right of appeal or other legal remedy against the decision of the court or of the other agency concerned. According to this Article of the Constitution the right to hearing includes the right of representation in various stages of seeking justice. The Constitution clearly states that it is forbidden to treat a person charged with a criminal offence as a criminal until he is proven guilty of the said offence. Therefore, Advocate Joseph has a right to represent his clients and his client has a Constitutional right to be represented.

Board of Directors:

Ms. Vicky Ntetema, Michael Kyande, Kenneth Simbaya, Deogratius Nsokolo, Maxence Melo, Christina Kamili, Jamila M. Juma, Hassan Kh. Juma, Edwin Soko.

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The practice of arresting advocates when they are performing their duties has become rampant whereas last year we witnessed the arrest of Advocate Patricia Ng'maryo, Wilson Mafie, Nixon Tugara and this year Maneno Mbunda and Joseph Martinus have been arrested. This practice is not only contrary to the law but has also been a threat to the legal profession as advocates have been fearful of their security when performing their legal duties.

Tanzania Human Rights Defenders Coalition has instructed Advocate Johannes Mutabingwa Mbatina who is a chapter Convener of the Tanganyika Law Society (Shinyanga Chapter Convener), to continue following up on the bail of Joseph and we will keep you informed on any updates on the matter.

3.0 Our Call

- We urge the police force to immediately release Advocate Joseph Martinus on bail because it is his Constitutional Right. If there is any crime committed by Advocate Joseph then legal procedures should be followed so that he obtains his rights.
- We urge our Police Force to continue performing their duties according to the law and procedures of the country and to stop being misused for unreasonable arrests and untamed detainments.
- Advocates should unite and continue fighting for their rights and rights of Tanzanians as that is their Constitutional duty.

Prepared by Tanzania Human Rights Defenders Coalition (THRDC)

This 25th day of November 2019

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Ms. Vicky Ntetema, Michael Kyande, Kenneth Simbaya, Deogratius Nsokolo, Maxence Melo, Christina Kamili, Jamila M. Juma, Hassan Kh. Juma, Edwin Soko.

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