



Permanent Mission of The
United Republic of Tanzania

NOTE VEBALE

Ref. No. NC 291/738/02/64

The Permanent Mission of the United Republic of Tanzania to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, Special Procedures Branch and wishes to acknowledge receipt of the letter dated 22 August 2024 regarding allegations concerning Advocate Mwabukusi.

The Permanent Mission has the honour to communicate the response of the Government of the United Republic of Tanzania as attached (Ref. No. CLB 415/833/01 dated 9th September, 2025).

The Permanent Mission of the United Republic of Tanzania to the United Nations Office and other International Organizations in Geneva, avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights - Special Procedures Branch in Geneva, the assurances of its highest consideration.

Geneva, 30 September, 2025

The Office of the High Commissioner for Human Rights,
Special Procedures Branch,
GENEVA.



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF FOREIGN AFFAIRS AND EAST AFRICAN COOPERATION

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In reply please quote

Ref. No. CLB. 415/833/01

9th September, 2025

Irene Khan,
Special Rapporteur on the promotion and protection
of the right to freedom of opinion and expression;
GENEVA.

Margaret Satterthwaite,
Special Rapporteur on the Independence
of judges and lawyers;
GENEVA.

Re: RESPONSE TO ALLEGATIONS CONCERNING ADVOCATE MWABUKUSI

I wish to acknowledge receipt of your letter dated 22 August 2024 in respect of the above-mentioned subject matter. The United Republic of Tanzania wishes to respond as follows:

2. The Government of the United Republic of Tanzania, henceforth the Government, reaffirms its commitment to the protection and promotion of human rights as guaranteed under the Constitution of the United Republic of Tanzania, domestic legislations, and international obligations. Tanzania remains dedicated to the rule of law, public order, and national security, while ensuring that the rights of all citizens are fully respected.

i. Threats and Retaliatory Disbarment

The Government firmly refutes this **baseless and misleading** allegation on the ground that Advocate Mwabukusi was never subjected to retaliatory or unlawful disbarment. While Complaint Case No. 10 of 2023 was indeed filed before the Advocates Committee seeking for his removal from the roll of advocates for committing a recognized professional misconduct, under the Tanganyika Law Society (TLS) Code of Conduct, it is **not true** that such proceedings resulted in his disbarment.

Although the Committee initially reached a finding of guilt, the High Court subsequently nullified those proceedings. As a result, Advocate Mwabukusi was never disbarred and has continued to practice law without restrictions, whereby he is currently serving as the President of the Bar Association of Tanzania. It is for this reason that, any insinuation that the process lacked due process or fairness is wholly unfounded. That said, it is clear that the matter was handled strictly in accordance with the Tanzania laws regulating the conduct of advocates by ensuring legality, transparency, and fairness throughout the process

ii. Arbitrary Detention and Denial of Legal Counsel:

The Government strongly denies the allegation of arbitrary detention or enforced disappearance of Advocate Mwabukusi, emphasizing that at all times his rights to legal counsel and due process were fully respected. Any suggestion to the contrary is baseless and misleading.

Under the Constitution of the United Republic of Tanzania, 1977, particularly Articles 13(6) and 18(1), every person is guaranteed equality before the law, the right to a fair hearing, and freedom of expression. These constitutional guarantees were duly observed throughout the entire process concerning Advocate Mwabukusi.

Equally, the Criminal Procedure Act, Cap. 20, particularly Sections 29 to 34, provides clear procedures governing lawful arrest, detention, and the protection of detainees' rights. All procedural safeguards prescribed under this Act were strictly adhered to in this case, ensuring full compliance with Tanzanian law.

Moreover, Tanzania complied with its international obligations under the International Covenant on Civil and Political Rights (ICCPR), 1966, specifically Articles 9 and 14, which enshrine the right to liberty, security of the person, and fair trial guarantees. Accordingly, every measure taken in relation to Advocate Mwabukusi was firmly within the hierarchy of the law, ensuring comprehensive protection of his rights under both domestic and international legal standards.

iii. **Intimidation of Human Rights Lawyers**

In respect of this allegation, the Government wishes to state that lawyers, including human rights defenders, are entitled to conduct their professional duties freely and without interference. However, this freedom is **not absolute**; it is exercised **within the confines of the law and professional ethics**. The Tanganyika Law Society Act, Cap. 307, and the TLS Code of Conduct, for example, require advocates to act with integrity, respect the courts, and avoid conduct prejudicial to justice or public confidence. Similarly, the Constitution of the United Republic of Tanzania, Articles 13, 18, and 107A, ensures equality before the law, freedom of expression, and judicial independence, but does not allow any individual, including lawyers, to contravene laws or engage in criminal conduct under the guise of professional activity.

Thus, while Tanzania guarantees a safe and enabling environment for lawyers to carry out their duties, they remain **legally accountable** for their actions and must operate strictly within domestic law, professional regulations, and international obligations. Freedom of professional practice is therefore balanced with responsibility, accountability, and the rule of law.

iv. **Investigation and International Standards:**

On Calls for investigations and professional proceedings, the Government wishes to inform that the processes were conducted in accordance with the Criminal Procedure Act, Cap. 20, the Tanganyika Law Society Act, Cap. 307, and the International Covenant on Civil and Political Rights, Articles 19 and 22, guaranteeing impartiality, accountability, and adherence to rights. Therefore, the Government finds this call unjustifiable.

v. **Provision of a detailed on Composition and Independence of the Tanganyika Law Society's Advocates Committee:**

With respect to the composition and independence of the Advocates Committee, the Government confirms that the Advocate Committee is operating independently and constituted by members from legal profession from both Bench and bar. While the Committee may interact with other State institutions in the course of its administrative responsibilities, such interactions do not compromise its independence. Its disciplinary and regulatory decisions are subject to judicial review, and any aggrieved party may appeal to the High Court, ensuring oversight and accountability.

This structure aligns with principles adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana, 7 September 1990) as well as other international standards governing disciplinary proceedings against lawyers.

vi. Measures to ensure a safe and enabling environment for human rights lawyers:

Regarding the measures to ensure a safe and enabling environment for lawyers, the Government wishes to underscore that in Tanzania all legal practitioners, including human rights lawyers, can perform their professional duties freely and without interference. The Government has put in place a legal and institutional framework that safeguards the independence of the profession.

Moreover, the Advocates Committee, established under the Tanganyika Law Society Act, Cap. 307, functions autonomously to regulate professional conduct, with decisions subject to judicial review to prevent undue influence. The Constitution, under Articles 13, 18, and 107A, guarantees equality before the law, freedom of expression, and judicial independence. At the same time, lawyers must operate within the law and adhere to professional ethics, acting with integrity, respecting courts, and avoiding conduct prejudicial to justice or public confidence. Disciplinary actions are therefore strictly based on verified professional misconduct and are not politically motivated, ensuring that freedom of professional practice is balanced with accountability.

vii. Investigations Regarding Enforced Disappearance:

With respect to a call for investigation of enforced disappearance, the Government clarifies that this call is entirely unfounded. Advocate Mwabukusi and others were never subjected to enforced disappearance, and all actions taken were fully consistent with Tanzanian law, international human rights obligations, and guarantees of due process. As a result, no separate investigations into enforced disappearance were necessary. Nevertheless, should any credible information arise, the Government remains committed to undertaking appropriate investigations in accordance with both domestic and international legal standards.

3. The Government emphasizes that all actions taken were lawful, proportionate, and in full compliance with Tanzanian laws and international standards. Any view or opinion contrary to the above do not reflect the legal and factual reality on the ground. Tanzania remains committed to constructive engagement with international human rights mechanisms while upholding its sovereignty and legal framework.

I thank you for your understanding and cooperation.



Amb. Mahmoud Thabit Kombo
**MINISTER OF FOREIGN AFFAIRS AND
EAST AFRICAN COOPERATION**