

The Tanzania Police Force
Building 23B-Unit 16
The Waverley Business Park
Wycroft Road
Mowbray
Email: info.phq@tpf.go.tz

BY EMAIL ONLY

14 August 2020

Urgent Action Appeal – Tundu Lissu, United Republic of Tanzania

Dear Sir/Madam,

We are writing to you regarding our urgent concerns for the physical safety and security of our client, Mr. Tundu Lissu, who has been selected as the Presidential candidate for the Chama cha Demokrasia na Maendeleo (Party for Democracy and Progress) (“**CHADEMA**”) party. Mr. Lissu has retained our firm, Amsterdam & Partners LLP, to act as his international counsel to protect and defend his domestic constitutional rights as well as his internationally protected civil and human rights in light of the pattern of persecution, harassment and violence directed toward him.

As you are no doubt aware, on Thursday night, the CHADEMA headquarters in Arusha was firebombed and a few hours ago, the convoy in which Mr. Lissu has been travelling was attacked by stone throwing bandits while at the Constituency office of CHADEMA’s Chairman, Freeman Mbowe. There were a dozen police officers in two vehicles in the surrounding areas who took no steps to prevent the attack. As with the 2017 assassination attempt on Mr. Lissu, we are deeply concerned about what appear to be coordinated violent attacks on our client and CHADEMA party officials.

With this letter, we strongly demand that as a presidential candidate, Mr. Lissu is afforded the same security and protective measures ensured by precedent set in former elections, as well as the legal provisions provided to him. Under Section 3 of the Tanzania Police Force and Auxiliary Services Act (Cap. 322 R.E. 2002), the police are vested with the power to protect the rights, duties and interests of any individual referred to in Article 13(3) of the Constitution.

Mr Lissu’s Political Background

As you may already know, Mr. Lissu has been subjected to regular and serious acts of intimidation from forces suspected to be affiliated with the Tanzanian government in response to his vocal criticism of the current regime. Much like what has just occurred today. On 7 September 2017, Mr Lissu was brutally attacked by unknown gunmen inside his official residence in Dodoma, Tanzania. This assassination attempt resulted in Mr. Lissu receiving 16 bullet wounds to his abdomen, arms and legs. While his house was normally heavily guarded, the armed security who should have been protecting him, were absent on the day of the attack.

Moreover, the CCTV cameras which monitored Mr. Lissu's apartment block were removed and have never been recovered even though your police force admitted a week after the attack that you had the footage from the cameras.

Since the assassination attempt, Mr. Lissu has been abroad receiving medical treatment for his multiple injuries. An April 2018 joint report by several organisations and bar associations including the American Bar Association and Pan African Lawyers Union¹ condemned the attack on Mr. Lissu and his lawyer. It noted that "lawyers reported high levels of fear regarding openly criticising the government or representing clients that are in dispute with the government, and a sense of rising lawlessness in Tanzania". Till date, there have been no significant developments on the attack.

Following Mr. Lissu's recovery, in December 2019 and January 2020, the national leadership of CHADEMA wrote to the chiefs of the law enforcement and security agencies of the government of Tanzania requesting personal protection upon his return home. The requests remained unacknowledged and unanswered to this day.

Safety Concerns and Police Force Duty

Mr. Lissu should have been receiving protection from the police force since his nomination as CHADEMA's presidential candidate. This is in accordance with Part VII of The Election Expenses Act, Chapter 278. Section 29 (1) states that "the Government shall, for the purpose of maintaining peace and security during nomination process, election campaign and election, **deploy the police force to provide such security-** (a) to any place where nomination process or election campaign is conducted by a political party; (b) **in respect of Presidential candidates**; and [...] (2) Expenses for deploying the police force personnel for the purpose of this section shall be borne out by the Government. [emphasis added]"²

Your mission is to "**provide high level police services for the purposes of detection, preventing and combating crime in the United Republic of Tanzania**".³ We believe that protecting CHADEMA's presidential candidate is important for you to accomplish this mission.

Since his return, Mr. Lissu has received stunningly high levels of threats, including threats of arrest against him and members of his party and threats of murder through poisoning. He has publicly addressed these threats and yet no security has been provided. Instead, the National Police Chief has gone on record to state that the police will 'get' Mr. Lissu. Furthermore, the self-proclaimed independent activist, Cyprian Musiba, who is rumored to act on instructions of government authorities declared in a televised press conference that Mr. Lissu is a '**public enemy to be eliminated**'. Such statements are dangerously inciteful and raise grave concerns for the safety and security of our client and presidential candidate, Mr. Lissu.

Therefore, we urgently demand that you fulfil your obligation under the country's electoral laws and Constitution to provide the necessary personal protection to Mr. Lissu, as he is CHADEMA's presidential candidate. We have seen reports that ACT-Wazalendo's presidential candidate, Former Foreign Affairs minister Bernard Membe, has been provided "tight" security. We see no reason why the

¹ Tanzania Police Force. Accessed 14 August 2020. <https://www.polisi.go.tz/about/>

² UNDP (2016). Compendium of Electoral Laws and Regulations of Tanzania.

<https://www.tz.undp.org/content/dam/tanzania/docs/Success%20Stories/Good%20Governance/Compendium%20of%20Electoral%20Laws%20and%20Regulations%20Tanzania%202016.docx.pdf>

³ See footnote 1.

same level of protection has not been afforded to Mr. Lissu, especially given the fact that he has already been a victim of a failed assassination attempt that has remained unresolved. We strongly urge that Mr. Lissu is provided the same fair and just treatment as accorded to him under Tanzanian law.

By this letter, we notify you of our intention to hold accountable all public servants of the Government of Tanzania with regard to the human rights, civil rights, and physical safety of Mr. Lissu. Should Mr. Lissu's safety and rights be violated for lack of appropriate security measures, it is our intention to file immediately for measures in response before all relevant local, regional and multilateral bodies. This would include but not be limited to applications against Tanzanian law enforcement officials for sanctions under the Global Magnitsky Act and mechanisms for ensuring the respect by Tanzania of its domestic and international obligations to protect human rights.

Sincerely,

Robert R. Amsterdam



Founding Partner, Amsterdam & Partners LLP