



Inter-Parliamentary Union
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Tanzania

Decision adopted unanimously by the IPU Governing Council at its 206th session (Extraordinary virtual session, 3 November 2020)



Mr. Tundu Lissu (centre), reacts to supporters upon his return on 27 July 2020 to Tanzania after three years in exile following a failed attempt on his life. STR/AFP

TZA-04 – Tundu Lissu

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Abusive revocation or suspension of the parliamentary mandate

A. Summary of the case

According to the complainant, Mr. Tundu Lissu, a long-standing opposition member of parliament belonging to the *Chama cha Demokrasia na Maendeleo* (CHADEMA – Party for Democracy and Progress) has been facing regular and serious acts of intimidation at the hands of the Government in response to his vocal criticism.

On 7 September 2017, Mr. Lissu escaped an assassination attempt when attackers armed with AK-47s sprayed his vehicle with bullets outside his house in a normally heavily guarded government housing compound in Dodoma. Mr. Lissu was shot 16 times but survived. The complainant draws attention to several elements to suggest that the assassination attempt was carried out with government involvement.

The complainant affirms that, in recent times, Mr. Lissu was arrested eight times and charged in court six times for sedition

CASE TZA-04

United Republic of Tanzania: Parliament affiliated to the IPU

Victim: A former opposition member of parliament

Qualified complainant(s): Section I.1(a) of the [Committee Procedure](#) (Annex I)

Submission of complaint: November 2019

Recent IPU decision(s): January 2020

Recent IPU mission(s): - - -

Recent Committee hearing(s): Hearing with the complainant at the 161st session of the Committee (January 2020)

Recent follow-up:

- Communication from the authorities: Letter from the Clerk of the National Assembly (October 2020)
- Communication from the complainant: October 2020
- Communications addressed to the authorities: Letters addressed to the Speaker of the National Assembly and the Minister of Home Affairs (September, July and February 2020)
- Communication addressed to the complainant: October 2020

and related offences in connection with public statements critical of the Government. According to the complainant, these charges, which are still pending, violate his rights to freedom of political association, expression and opinion, and to take part in public affairs. According to the complainant, these accusations also have to be seen in the context of undue limitations on political opposition in and outside of the National Assembly in Tanzania and of fears of reprisals.

The complainant affirms that Mr. Lissu was wrongfully stripped of his parliamentary mandate in June 2019, largely on grounds related to his absence from the National Assembly, even though the authorities and the public knew that he was out of the country recovering from the shooting.

In early 2020, Mr. Lissu, after having undergone 24 surgical interventions in Kenya and Belgium, was declared sufficiently well enough to return home. However, according to the complainant, after he made public his intention to return home, death threats made by persons known to be connected to the country's intelligence and security apparatus started to appear on social media and in the press.

Mr. Lissu travelled back to Tanzania on 27 July 2020. According to the complainant, since his return, Mr. Lissu has received numerous credible threats to his life and person, including threats of arrest from government officials and threats of murder through poisoning, which have all gone unpunished. As part of this context of intimidation, on the night of 13 August 2020, the CHADEMA headquarters in Arusha was reportedly firebombed and, a few hours later, the convoy in which Mr. Lissu was travelling was attacked with stones. The complainant affirms that there were a dozen police officers in two vehicles in the surrounding areas who took no steps to prevent the attack. Moreover, according to the complainant, on 25 August 2020, when Mr. Lissu was at the National Electoral Commission's premises in order to submit his file as a presidential candidate, unidentified persons in three vehicles reportedly planned to abduct him when he left the Commission's premises. They were allegedly all armed and were reported to be police or intelligence officers. The complainant affirms that the relevant authorities have been informed of these life-threatening reports, but that no investigations have been launched to date. On 6 October 2020, Mr. Lissu, on the way to Kibaha, just outside Dar Es Salaam on the Morogoro highway, was stopped by a heavily armed police squadron wielding automatic weapons and preventing them from continuing their journey. According to the complainant, Mr. Lissu's convoy was held for nine hours on the highway by the police as they were trying to prevent them from going to an internal party meeting.

In August 2020, Mr. Lissu was officially nominated by CHADEMA as its presidential candidate in the general election of 28 October 2020 and validated as a contender in the presidential elections by the National Electoral Commission.

In response to several requests for information in 2020 from the IPU Secretary General to the parliamentary authorities, the latter, through the Clerk of the National Assembly, finally responded in a brief letter of 20 October 2020 that the alleged death threats against Mr. Lissu since his return to Tanzania were before the courts and that the National Assembly had no mandate to interfere with matters that fell within the ambit of the law enforcement bodies, as doing so would be against *sub judice* rules. In addition, the Clerk stated that the complainant had made the allegations about renewed threats almost a year after Mr. Lissu had been stripped of his parliamentary seat in accordance with the Tanzanian Constitution and the Standing Orders of the National Assembly. In this context, the Clerk stated that parliament had no authority to involve itself in such allegations.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning the situation of Mr. Tundu Lissu, a member of the Tanzanian National Assembly at the time of the initial allegations, was declared admissible by the Committee on the Human Rights of Parliamentarians under its procedure (January 2020);
2. *Thanks* the parliamentary authorities for their communication; *regrets* nevertheless that it does not effectively address the serious concerns at hand in this case;
3. *Is extremely concerned* about the attempt on Mr. Lissu's life, which he survived by pure miracle, and the allegation that the crime was reportedly carried out with the support of the authorities; *points out* in this regard that the complainant affirms that Mr. Lissu had previously been the direct

target of serious threats and intimidation by the Government, that the armed guards normally present at the location where the shooting took place allegedly happened to be off duty that day and that CCTV footage of the crime reportedly disappeared soon after; *is concerned* that the absence of any indication that a proper investigation is ongoing, more than three years after the crime, lends credence to the allegations by the complainant in this regard; *considers* that, in light of the failed attempt on Mr. Lissu's life and the apparent lack of any proper investigation, the continued stream of alleged threats against him, including after his return to Tanzania, have to be taken extremely seriously;

4. *Urges*, therefore, the relevant authorities to carry out diligent and effective investigations, as is their duty, into the assassination attempt and the alleged death threats and other forms of intimidation that have followed since and to provide, as a matter of urgency, information on steps taken to this end; *recognizes* that responsibility for the investigations falls first and foremost to the law enforcement and judicial authorities and that adhering to the democratic principles of separation of powers and the independence of the judiciary is crucial; *considers*, nevertheless, that the *sub judice* rule cannot be invoked as an obstacle to justice or accountability and that parliament is responsible for helping to ensure that all state institutions, including the judiciary, fully abide by the rule of law; *urges*, therefore, the National Assembly to take all necessary measures to ensure strict respect for due process guarantees in ongoing proceedings against current and former parliamentarians; *wishes* to be kept informed of any action taken by the National Assembly to this end;
5. *Is troubled* to learn that Mr. Lissu was stripped of his parliamentary mandate when it was clear that he was absent for obvious reasons, of which the parliamentary authorities and the public at large were well aware; *considers* that, in implementing the rules governing absence from the National Assembly, in a situation of this nature the latter should have provided the necessary flexibility to allow Mr. Lissu to keep his seat, if only out of sympathy for what had happened to him;
6. *Is concerned* about the allegation that Mr. Lissu was arrested several times and remains subject to several criminal proceedings that may run counter to his basic human rights; *notes* that these proceedings have to be seen in the context of international reports of undue restrictions to the rights to freedom of expression and assembly in Tanzania and in the context of the recent presidential elections in which Mr. Lissu was a contender; *wishes* to receive detailed official information on the factual and legal basis for each of these steps against him;
7. *Considers* that an IPU on-site mission to Tanzania may offer a useful opportunity to discuss and clarify the important concerns that have arisen in this case with the executive, parliamentary and judicial authorities, as well as with any third party able to help it to advance towards the satisfactory settlement of the case at hand; *requests* the Secretary General to submit this suggestion to the new parliamentary authorities with a view to organizing the said mission once the necessary health and security conditions have been met; *trusts* that they will respond favourably to this suggestion;
8. *Requests* the Secretary General to convey this decision to the parliamentary and other relevant national authorities, the complainant and any interested third party likely to be in a position to supply relevant information to assist it in its work;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.