

United Republic of Tanzania

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



Tanzanian main opposition chief, Tundu Lissu, gestures from his wheelchair on 5 January 2018 in Nairobi, as he is wheeled by a supporter from a press conference to the hospital where he was admitted after being shot and critically injured at his home in September 2017. TONY KARUMBA/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.

CASE TZA-04

United Republic of Tanzania: Parliament affiliated to the IPU

Victim(s): A former opposition member of parliament

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

Submission of complaint(s): November 2019

Recent IPU decision(s): - - -

Recent IPU mission(s): - - -

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

Recent follow-up:

- Communications from the authorities: - - -
- Communications from the complainant: January 2020
- Communications addressed to the authorities: Letter addressed to the Speaker of Parliament (November 2019)
- Communication addressed to the complainant: January 2020

The complainant affirms that, in recent times, Mr. Lissu was arrested eight times and charged in court six times for sedition 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 it was public knowledge that he was out of the country recovering from the shooting. In this regard, the complainant also affirms that it was the Speaker and Deputy Speaker of the National Assembly and several ministers who had him airlifted immediately after the shooting for medical treatment in Nairobi. The complainant states that a ruling-party candidate was hurriedly elected unopposed to fill the vacant seat.

Mr. Lissu, who has undergone 24 surgical interventions in Kenya and Belgium, has now been 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. The complainant affirms that, given the circumstances of the assassination attempt on Mr. Lissu, these death threats cannot be ignored.

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Considers* the complaint concerning the situation of Mr. Tundu Lissu, a member of the Tanzanian National Assembly at the time of the alleged events that gave rise to the complaint, to be admissible under its Procedure for the Examination and Treatment of Complaints; and *declares itself* competent to examine the case;
2. *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 place where the shooting took place allegedly happened to be off duty that day and that CCTV footage of the crime reportedly disappeared soon after; and *is keen to receive* the official views on these specific allegations, along with official information about progress made to establish the identity of the shooters and the masterminds and to hold them accountable;
3. *Affirms* that threats to the life and security of members of parliament, if left unpunished, not only violate their rights to life, security and freedom of expression, but also affect the ability of parliament as an institution to fulfil its role; *considers*, therefore, that the National Assembly of Tanzania has a vested interest in seeing to it that justice is fully rendered and that Mr. Lissu's physical integrity is protected, all the more so given that it concerns in this case an attack on the life of the then chief whip of the official opposition; *appreciates* in this regard the immediate steps that the parliamentary authorities took to take him to safety and facilitate his medical treatment after the shooting; and *wishes to know* what steps the National Assembly has since taken to monitor the investigation closely, ensure that Mr. Lissu receives the necessary financial and logistical assistance for his full medical recovery and facilitate his safe return to Tanzania;
4. *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; and *wishes* to receive the observations from the parliamentary authorities on the reasons and grounds for revoking his parliamentary seat;
5. *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; and *wishes* to receive detailed official information on the factual and legal basis for each of these steps against him;

6. *Notes* that Mr. Lissu wishes to return to Tanzania soon; *suggests* that a small Committee delegation accompany him on his return, also in the belief that a visit to Tanzania would offer a useful opportunity to meet with the executive, parliamentary and judicial authorities as well as with any third party able to help it to better understand the issues at hand in this case; and *trusts* that the parliamentary authorities will respond favourably to this suggestion;
7. *Requests* the Secretary General to bring this decision to the attention of the parliamentary authorities and the complainant and to seek the former's endorsement for the proposed visit to Tanzania;
8. *Decides* to continue examining this case at its next session.