



THE PRELIMINARY TRIAL OBSERVATION REPORT ON THE TREASON CASE OF HON. TUNDU ANTIPHAS LISSU

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This preliminary report assesses the arrest, arraignment, treatment in custody, conduct of the proceedings, and compliance with fair trial guarantees in the case of Hon. Tundu Antiphas Lissu under applicable national, regional, and international human rights standards. Its findings are preliminary and may be revised as further evidence, rulings, and the final judgment become available.

DISCLAIMER: This report presents THRDC's independent trial observation findings based on proceedings observed, court records and information available during the reporting period. It assesses process and compliance with applicable fair-trial and human rights standards; it does not determine guilt or innocence, provide legal advice, prejudge the outcome, or interfere with judicial independence, and may be updated as the proceedings develop.



Title	The Preliminary Trial Observation Report on the Treason Case of Hon. Tundu Antiphas Lissu
Observer	Tanzania Human Rights Defenders Coalition (THRDC)
Period	9 April 2025 to 21 August 2026 (500 days since Lissu's detention)



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MH.LISSU

No Reforms
Election





List of Abbreviations

Abbreviation	Meaning
ACHPR	African Commission on Human and Peoples' Rights
AU	African Union
CHADEMA	Chama cha Demokrasia na Maendeleo
CPA	Criminal Procedure Act
CSOs	Civil Society Organisations
DPP	Director of Public Prosecutions
HRDs	Human Rights Defenders
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Commission of Jurists
OAU	Organisation of African Unity
OIC	Officer-in-Charge
PI	Preliminary Inquiry
RMC	Resident Magistrates' Court
THRDC	Tanzania Human Rights Defenders Coalition
TLS	Tanganyika Law Society
TPS	Tanzania Prison Service
TZCA	Tanzania Court of Appeal
TZHC	Tanzania High Court
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNODC	United Nations Office on Drugs and Crime

Executive Summary

This preliminary report presents the Tanzania Human Rights Defenders Coalition's independent observation of the treason proceedings against Hon. Tundu Antiphas Lissu from his arrest on 9 April 2025 to 21 August 2026. By 21 August 2026, 499 days had elapsed since his arrest, equivalent to 500 calendar days when both the date of arrest and the reporting date are counted, and he remained in remand prison. The report examines the circumstances of arrest, pre-trial procedures, remand conditions, access to legal representation, public access to court proceedings, and the conduct and progression of the case against Tanzanian law and relevant regional and international fair-trial standards. The assessment is based primarily on THRDC's direct court observation, court records and rulings, legal documents and monitoring information, with publicly available reports used only as corroborative context.

The prosecution called 17 witnesses and closed its case on 17 August 2026. After considering the parties' submissions on whether a prima facie case had been established, the High Court ruled on 21 August 2026 that Hon. Lissu had a case to answer. The Court explained the options available under section 312 of the Criminal Procedure Act, and Hon. Lissu decided to give sworn evidence and to call witnesses. His testimony commenced that afternoon and the matter was adjourned to 24 August 2026 for continuation of the defence case.

Hon. Lissu was arrested in Mbinga and brought before the Resident Magistrates' Court of Dar es Salaam at Kisutu on 10 April 2025. He was charged with treason under section 39(2)(d) of the Penal Code in relation to statements allegedly made during a political meeting on 3 April 2025. A related cybercrime charge was also instituted and bail was granted on that charge, but treason is non-bailable under section 151(5) of the Criminal Procedure Act. He therefore remained in remand custody, first at Keko Prison and, from 18 April 2025, at Ukonga Central Prison. Following committal, the matter proceeded before a three-judge panel of the High Court as Criminal Sessions Case No. 19605 of 2025. On 30 July 2026, the Court of Appeal dismissed the DPP's revision application and upheld the High



Court's ruling that section 308 of the Criminal Procedure Act did not permit the proposed recall of an already-testified witness to introduce additional evidence.

THRDC's monitoring identified several issues requiring serious consideration from a fair-trial and human-rights perspective. According to the information reviewed, Hon. Lissu was not informed of the reasons for his arrest at the time he was apprehended, although he was brought before a court the following day.

THRDC also documented concerns regarding Hon. Lissu's treatment and conditions while in remand custody. These included complaints relating to security arrangements associated with condemned prisoners, restrictions on visits, denial of access to certain publications, and the scrutiny or withholding of legal documents. Taken cumulatively, such measures raise important questions concerning humane treatment, dignity, access to information and the ability of an accused person to prepare and conduct an effective defence. Of particular concern were repeated instances in which consultations between Hon. Lissu and his lawyers reportedly took place within the hearing of prison officers. Confidential communication between an accused person and legal counsel is a fundamental component of the right to effective legal representation and should ordinarily occur within sight, but out of hearing, of prison authorities.

THRDC further notes the High Court's intervention on 12 February 2026 following Hon. Lissu's complaint that he was being denied food by prison authorities during full-day court proceedings. The Court's intervention constituted an important judicial safeguard and demonstrated the essential role of judicial oversight in protecting the dignity, welfare and procedural rights of persons held in remand custody throughout criminal proceedings.

Public access to the proceedings also emerged as a significant concern. While the trial remained formally open, practical restrictions affecting journalists, party leaders, members, supporters, other members of the public and regional observers reduced the practical openness of the trial, while reported arrests and mistreatment of some persons seeking to attend require independent investigation. Public official directions discouraging attendance, restrictive security arrangements and the presence of masked prison officers created an intimidating environment and weakening public confidence in open justice. Repeated adjournments arising from incomplete investigations, witness and

security concerns, procedural applications and revision proceedings prolonged the trial while the accused remained detained.

THRDC therefore recommends that the Judiciary prioritise a continuous and expeditious hearing timetable, exercise strict scrutiny over further adjournments, preserve meaningful public and media access to proceedings, and ensure that Hon. Lissu is able to consult his legal representatives in full confidentiality. The Director of Public Prosecutions should continuously assess whether continuation of the prosecution remains supported by the available evidence and consistent with the interests of justice and the public interest. The Tanzania Prisons Service should ensure that all remand conditions comply with the law and applicable human-rights standards, including confidential access to counsel, reasonable access to family members and other authorised visitors, access to information and reading materials, and adequate food, healthcare and general welfare.

The Government should investigate credible allegations of obstruction or mistreatment and safeguard lawful political expression and association, while Parliament should amend section 151(5) of the Criminal Procedure Act to allow courts to determine bail individually for all offences.

THRDC calls upon legal professionals, civil-society organisations, the media, national human-rights institutions, and relevant regional and international actors to continue impartial and responsible observation of the proceedings. Such engagement should remain focused on safeguarding judicial independence, the presumption of innocence, humane treatment, open justice and full compliance with fair-trial guarantees. The ultimate measure of these proceedings will not rest solely on their outcome, but also on whether the process itself demonstrates fairness, independence, transparency and respect for the rule of law.



GENERAL INTRODUCTION

1.1 Background to the Case

Hon. Tundu Antiphas Lissu is a Tanzanian advocate, former Member of Parliament and the National Chairperson of Chama cha Demokrasia na Maendeleo (CHADEMA), a major opposition political party with over ten million members. His public work has long engaged questions of constitutional reform, electoral accountability, natural-resource governance, human rights and government policy. The proceedings against him therefore concern not only the administration of criminal justice in an individual case, but also matters of significant public interest, including the treatment of political speech, the right to participate in public affairs, the independence and impartiality of the courts, and public confidence in the rule of law.

The case arose from remarks attributed to Hon. Lissu during a CHADEMA public meeting held on 3 April 2025. The remarks concerned the party's demand for electoral reforms and its position regarding the 2025 general election under the slogan "no reforms, no election". The prosecution instituted a case claiming that the remarks disclosed criminal conduct. The defence position, as recorded in the materials reviewed, is that they amounted to lawful political advocacy and did not satisfy the elements of treason.

On 9 April 2025, Hon. Lissu was arrested in Mbinga, Ruvuma Region, during a public rally. He was taken through Songea and transported to Dar es Salaam, where he was arraigned before the Resident Magistrates' Court of Dar es Salaam at Kisutu on 10 April 2025. Two proceedings were instituted: Preliminary Inquiry Criminal Case No. 8607 of 2025, involving an allegation of treason under section 39(2) (d) of the Penal Code, Cap. 16; and Criminal Case No. 8606 of 2025, involving an allegation of publication of false information under section 16 of the Cybercrimes

Act, 2015. Bail was granted in the latter case. Treason is, however, a non-bailable offence under Tanzanian law, and Hon. Lissu has remained in remand custody in connection with that allegation.

Hon. Lissu was initially detained at Keko Prison from 10 April 2025 and was transferred to Ukonga Central Prison on 18 April 2025. Both he and his lawyers raised concerns before the courts and publicly regarding restrictions on access to legal counsel, the confidentiality of lawyer-client consultations, access to legal documents, conditions of detention, public and observer access to hearings, and the adequacy of time and facilities for preparing the defence.

Following committal proceedings, the treason matter was filed before the High Court of Tanzania, Dar es Salaam Sub-Registry, as Criminal Sessions Case No. 19605 of 2025. The proceedings have included preliminary objections, rulings on the legality and regularity of the committal process and the information filed for trial, the reception and testing of prosecution evidence, and appellate consideration of whether an already-listed prosecution witness could be recalled to introduce additional evidence under section 308 of the Criminal Procedure Act. On 30 July 2026, the Court of Appeal of Tanzania dismissed the Director of Public Prosecutions' revision application and upheld the High Court's ruling that section 308 does not provide the proposed mechanism for recalling a witness whose evidence had already been read at committal in order to adduce additional evidence.

The seriousness of the treason allegation, the accused's continuing detention, his political and human-rights profile, the public attention surrounding the proceedings, and the broader implications for fair-trial guarantees made the case suitable for sustained observation. THRDC believes that criminal proceedings especially those carrying the gravest consequences must be conducted strictly in accordance with the Constitution, legislation and Tanzania's regional and international human-rights obligations.

1.2 Trial Observation

Trial observation refers to the systematic, independent and objective monitoring of judicial proceedings in order to assess whether the applicable law and the manner in which proceedings are conducted comply with national, regional and international fair-trial standards. It involves the careful collection, verification



and analysis of information before, during and, where appropriate, after a trial. Its principal focus is the fairness and integrity of the process not whether an observer agrees with a party's arguments, the evidence, an interlocutory ruling or the eventual outcome.

Trial observation is grounded in the principle of open justice. Public hearings allow courts to be seen to administer justice and enable citizens, civil society organisations, the media and other observers to form informed views about compliance with the law. Article 9(3)(b) of the United Nations Declaration on Human Rights Defenders recognises the right of everyone, individually and in association with others, to attend public hearings, proceedings and trials in order to form an opinion on their compliance with national law and applicable international obligations and commitments. Public access may lawfully be restricted in defined circumstances like in juvenile or matrimonial cases, but any restriction should have a legal basis, pursue a legitimate aim, be necessary and proportionate, and preserve meaningful public scrutiny to the greatest extent possible.

In criminal proceedings, observation commonly covers the period from arrest and pre-trial detention through arraignment, preliminary or committal proceedings, trial, judgment, sentence and any appeal. It may therefore assess, among other matters, the lawfulness of arrest and detention; prompt information about the accusation; humane treatment; access to counsel; adequate time and facilities to prepare a defence; confidentiality of legal consultations; equality of arms; disclosure; public access; the presumption of innocence; the examination of witnesses; proceedings without undue delay; and adjudication by a competent, independent and impartial tribunal established by law.

1.2.1 Principles of Trial Observation

Effective trial observation is governed by five interrelated principles:

- a) Objectivity and impartiality: findings must be based on verified facts and fixed legal criteria, with an open mind and without alignment to either the prosecution or the defence.
- b) Professionalism: observers must prepare adequately, understand the applicable law and court procedure, maintain accurate records, respect courtroom rules and report carefully.

- c) Non-intervention: observation must not disrupt proceedings, interfere with judicial independence, or attempt to influence the outcome.
- d) Cooperation and respect: observers should engage appropriately with court officials and other stakeholders while preserving their institutional independence.
- e) Confidentiality and do no harm: sensitive information and the identity or safety of sources must be protected, and publication decisions must take account of possible risks to the accused, witnesses, lawyers and others.

1.3 Purpose of the Trial Observation

THRDC undertook this trial observation to establish a reliable and independent public interest record of the proceedings and to assess whether the treatment of the accused and the conduct of the case conform to Tanzanian law and applicable regional and international human rights standards. The observation is intended to promote transparency, accountability and confidence in the justice system while respecting the constitutional authority and independence of the courts.

This monitoring forms part of THRDC's broader programme of observing cases involving human rights defenders and other proceedings of significant public interest. The selection of this case was based on the gravity of the charge, the accused's human-rights work and public profile, his continuing remand detention, the case's implications for civic freedoms, and the need for transparent and independent scrutiny of the administration of justice.

More specifically, the observation seeks to provide sustained scrutiny of a serious and politically sensitive prosecution in which fair trial guarantees must be both formally recognised and practically effective. It considers the cumulative operation of the criminal process from arrest, arraignment and detention to committal, trial and appellate proceedings.

The report also serves an educational and institutional purpose. It explains fair trial standards in accessible terms, identifies sound practices as well as areas of concern, and offers constructive recommendations to the Judiciary, prosecution, prison authorities, law-enforcement agencies, legal profession and other relevant actors.



1.4 Objectives of the Observation

Within the above purpose, THRDC's preliminary trial observation pursues the following objectives:

- a) To document** the material procedural developments in the case, including the arrest, detention, arraignment, committal proceedings, High Court proceedings, interlocutory decisions, and any relevant appellate proceedings.
- b) To assess** whether the proceedings comply with the Constitution of the United Republic of Tanzania, applicable domestic law, and regional and international fair trial standards, including the independence and impartiality of the court and the protection of the accused's fair trial rights.
- c) To evaluate** whether the conduct of the proceedings including courtroom management, public and media access, treatment of the accused, legal representatives, witnesses and observers, and the handling of evidence and procedural applications upholds the principles of due process, open justice and equality of arms.
- d) To identify** areas of compliance, good practice, procedural concerns, and alleged violations observed during the proceedings, and to provide practical recommendations aimed at strengthening the administration of justice and protection of fair trial rights.
- e) To provide** an objective and evidence-based record of the proceedings to inform continued trial observation and the preparation of subsequent or final trial observation reports upon the conclusion of the case.

1.5 Methodology

This preliminary report is based on a qualitative, rights-based methodology, direct observation of court proceedings, a review of relevant court records and legal documents, and an assessment of the proceedings against applicable domestic, regional, and international fair trial standards.

Where necessary, information from legal representatives, relevant stakeholders, and credible public sources was considered to verify procedural developments

and provide context. Throughout the observation, THRDC adhered to the principles of independence, impartiality, objectivity, confidentiality, and non-interference with the judicial process.

THRDC constituted a multidisciplinary monitoring team of legal and media professionals led by Advocate Paul Kisabo. The legal monitors attended court, reviewed proceedings, rulings, pleadings and applicable laws, maintained contemporaneous notes, tracked procedural timelines and assessed observed events against domestic, regional and international fair-trial standards. The media monitors documented material public developments, access conditions and the courtroom environment, and supported accurate public-interest reporting.

The team also used prison visits and detention monitoring, meetings with the accused where access was permitted, consultations with legal representatives and relevant stakeholders, and triangulation of information across court records, observer notes and credible public sources. Public statements and media reports were used as corroborative context rather than as substitutes for the official record. Allegations, submissions by parties, observer findings and judicial determinations are distinguished throughout the report.

1.6 Scope of the Report

This preliminary report covers the period from the arrest of Hon. Tundu Antiphas Lissu on 9 April 2025 to 21 August 2026. It examines the treason proceedings from arrest, arraignment and remand detention through the preliminary inquiry and committal proceedings, the prosecution case before the High Court, relevant interlocutory and appellate decisions, the ruling that there was a case to answer, and the commencement of the defence case on 21 August 2026.





PART 2

OVERVIEW OF THE PROCEEDINGS

2.1 The Profile of Hon. Tundu Antiphas Mughwai Lissu

Hon. Tundu Antiphas Mughwai Lissu is a Tanzanian advocate, human rights defender and the Chairperson of Chama cha Demokrasia na Maendeleo (CHADEMA) since 22 January 2025. He was born on 20 January 1968 in Mahambe Village, Ikungi District, Singida Region. He completed his primary education at Mahambe Primary School, attended Ilboru and Galanos secondary schools, undertook national service, and obtained a Bachelor of Laws degree from the University of Dar es Salaam in 1994. He later earned a Master of Laws degree from the University of Warwick in the United Kingdom. He was enrolled as an advocate in Tanzania in June 2003.

His professional work has included legal practice, environmental and natural resources advocacy, constitutional and human rights work, and research with organisations including the Lawyers' Environmental Action Team and the World Resources Institute. He has acted in public interest and political cases and has been a prominent voice on constitutionalism, electoral reform, accountability and the protection of civic freedoms.

His earlier human-rights and environmental work included advocacy through the Lawyers' Environmental Action Team on the rights of communities affected by natural-resource and mining activities, including communities in areas such as Bulyanhulu, Geita, Mererani and Tarime. His work has linked environmental protection, community land and livelihood rights, accountable natural-resource governance and access to justice.

In sworn evidence on 21 August 2026, Hon. Lissu stated that the University of Bridgeport in Connecticut recognised him as an International Fellow in May 2011 for work relating to human rights, the environment and democracy in Tanzania and Africa. He further stated that, in December 2020, the International Democrat



Union conferred on him the Bush-Thatcher Award for Freedom in recognition of advocacy for freedom, democracy and good governance in Africa.

On 22 January 2025, Hon. Tundu Lissu was elected National Chairperson of CHADEMA. Prior to assuming that position, he had served in various political and professional leadership capacities, including as CHADEMA National Vice-Chairperson (Mainland), Member of Parliament, CHADEMA Director of Legal Affairs, and an ex officio member of the party's leadership structures.

Hon. Lissu was first elected Member of Parliament for Singida East Constituency, now known as Ikungi East, in 2010 on a CHADEMA ticket and was re-elected in 2015. During his tenure in Parliament, he served as Chief Whip of the Official Opposition, making him one of the senior leaders of the Official Opposition in Parliament. He also served as a member of the Constituent Assembly and was actively involved in advocacy for constitutional reforms, a new Constitution and an independent electoral system.

His parliamentary tenure ended on 29 June 2019 while he was outside the country receiving medical treatment following the assassination attempt against him on 7 September 2017 at his residence in Dodoma. Following the attack, he was airlifted to Nairobi Hospital, where he remained until 4 January 2018, before proceeding to Belgium for further treatment at University Hospitals Leuven. According to his testimony, his treatment continued until January 2022 and involved 25 surgical procedures: 17 undertaken at Nairobi Hospital and 8 in Leuven.

While he was still receiving treatment abroad, the then Speaker of the National Assembly, the late Job Ndugai, declared his parliamentary seat vacant on 29 June 2019 on grounds relating to his absence from Parliament. Hon. Lissu further testified that, despite having sustained serious injuries while serving as a Member of Parliament, neither Parliament nor the Government met the costs of his medical treatment.

Beyond parliamentary politics, Hon. Lissu served as President of the Tanganyika Law Society from 18 March 2017 until the shooting incident of 7 September 2017. Internationally, he serves as a Vice-Chairperson of the International Democrat Union, representing Africa, and as a member of its International Executive Committee. The International Democrat Union is an international alliance bringing together political parties from different parts of the world.

In his testimony before the Court, Hon. Lissu maintained that his public career has been characterised by sustained advocacy for democracy, human rights, constitutionalism and the rule of law. He contended that his political activities, particularly his longstanding advocacy for constitutional and electoral reforms, provide important context for understanding the charges against him. On that basis, he characterised the proceedings as arising from a political conflict rather than conduct amounting to treason.

He further testified that his standing and recognition nationally and internationally had not diminished during his detention. According to his testimony, various national, regional and international actors and institutions have expressed concern regarding the proceedings and called for his release. He relied on these circumstances as part of his broader contention that the charges against him are politically motivated.

At the time of this report, Hon. Lissu is both the accused person and a self-represented litigant in the treason trial, although advocates have at different stages appeared for him or assisted with legal research and consultation. The public significance of his case makes strict adherence to legality, equality before the law, judicial independence, open justice and the presumption of innocence particularly important.



An archival photograph of Hon. Tundu Lissu displaying his torn shirt following an earlier confrontation in the course of his longstanding advocacy for human rights, justice and accountability in Tanzania

2.2 Charges Before the Court

The present High Court proceedings concern one count of treason. The information filed in Criminal Sessions Case No. 19605 of 2025 charges Hon. Lissu with treason contrary to section 39(2)(d) of the Penal Code, Cap. 16. In substance, the prosecution alleges that on 3 April 2025, in Dar es Salaam, while owing allegiance to the United Republic of Tanzania, he formed and manifested an intention to instigate the public to obstruct the 2025 general election and to intimidate the Executive of the United Republic through statements attributed to him during a political address.

Section 39(2)(d) addresses the formation of an intention to intimidate the Executive, Legislature or Judiciary of the United Republic and the manifestation of that intention by an overt act. The prosecution bears the burden of proving every legal element of the offence beyond reasonable doubt. The charge and its particulars are allegations only. Hon. Lissu is presumed innocent as provided for under Article 13(6)(b) of the Constitution.

At the committal proceedings on 18 August 2025, the information was read and explained to the accused. Because the subordinate court had no jurisdiction to try the offence, he was not called upon to plead there. The court then read the substance of the intended prosecution evidence, identified 30 intended witnesses and listed documentary and physical exhibits. It thereafter committed him to the High Court for trial. In the High Court, Hon. Lissu challenged, among other matters, the jurisdictional foundation and regularity of the committal proceedings, the form and particulars of the information, differences alleged between the proposed charge and the information filed for trial, and aspects of the prosecution witness material.

In *Republic v Tundu Antiphas Lissu*, Criminal Sessions Case No. 19605 of 2025, [2025] TZHC 5764 (15 September 2025), the High Court held that the Kisutu Resident Magistrates' Court had jurisdiction to conduct the committal proceedings. Although it identified procedural irregularities including incomplete supply of the committal record, failure to show or read back the accused's committal statement for confirmation, omission of intended defence witness details and errors in dates, the Court found that the irregularities had not been shown to cause prejudice or a miscarriage of justice. It directed that the accused be supplied with the documents required by section 266 of the Criminal Procedure Act and stated that material defence witnesses could be permitted judicially.

In a further ruling dated 22 September 2025, the High Court overruled objections by Hon Lissu that the information was incurably defective and had departed unlawfully from the proposed charge used in the subordinate court. It held that the information provided reasonable notice of the alleged treason, that the charge before the subordinate court was a proposed charge for preliminary-inquiry purposes, and that whether the attributed words could establish the offence was a matter to be decided on evidence rather than at the preliminary stage.

Preliminary finding: *The separate cybercrime proceeding instituted on 10th April 2026 through Criminal Case No. 8606 of 2025, alleging publication of false information under section 16 of the Cybercrimes Act is not the charge being tried in High Court Criminal Sessions Case No. 19605 of 2025.*

2.3 Chronology of Key Events

Date	Event and Procedural Significance
3 April 2025	Remarks later relied upon by the prosecution were allegedly made during a CHADEMA political meeting in Dar es Salaam.
9 April 2025	Hon. Lissu was arrested in Mbinga, Ruvuma Region, taken to Songea and transported to Dar es Salaam.
10 April 2025	He appeared before the Resident Magistrates' Court of Dar es Salaam at Kisutu where a Preliminary Inquiry No. 8607 of 2025 for treason was read against Lissu and charged in Criminal Case No. 8606 of 2025 for publication of false information. He was remanded on the non-bailable treason charge; bail was granted on the cybercrime charge.
18 April 2025	He was transferred from Keko Prison to Ukonga Central Prison. Concerns were later raised about notification of the transfer, access to lawyers and detention conditions.

Date	Event and Procedural Significance
22 April 2025	One advocate was allowed for a 15-minute consultation through a glass partition and within the hearing of prison officers.
24 April 2025	Both the cybercrimes case and the treason matter came for mention virtually. The prosecution reported that investigations were incomplete; the defence objected to the notice, public access denied and tortured
6 May–1 July 2025	The case returned repeatedly for mention while investigations continued.
16 June 2025	Hon. Lissu informed the court that he would represent himself, citing the absence of confidential access to his lawyers.
15–30 July 2025	Further mentions addressed delay, investigation progress and preparation for committal.
4 August 2025	The High Court granted protective measures for civilian prosecution witnesses in Miscellaneous Criminal Application No. 17059 of 2025.
13 August 2025	The prosecution informed the Resident Magistrates' Court of Dar es Salaam at Kisutu court that the information had been filed in the High Court and the matter was ready for committal.
18 August 2025	The Resident Magistrates' Court of Dar es Salaam at Kisutu stopped live-streaming the committal proceedings but kept the courtroom physically open. It read the information, the substance of evidence of 30 intended prosecution witnesses and proposed exhibits, Lissu was denied access to his statement including his intended witnesses then committed the accused to the High Court for trial.



Date	Event and Procedural Significance
8–9 September 2025	Preliminary proceedings began before a three-judge High Court panel. Hon. Lissu challenged jurisdiction that words in the information do not amount to treason, the committal process, denial of being given the full committal records and related procedural matters.
15 September 2025	The High Court upheld the subordinate court's jurisdiction and declined to nullify the committal. It identified irregularities and directed that the required committal documents be supplied.
22 September 2025	The High Court overruled objections to the information and disputed witness materials, holding that whether the alleged words amounted to treason should be determined on evidence.
6–13 October 2025	The prosecution case commenced. The first and second witnesses testified and were cross-examined on the investigation, alleged video material and its retrieval and preservation.
16 October 2025	A third police witness associated with forensic photography began testifying. Objections concerned expertise, electronic evidence and chain of custody.
12 November 2025	During the evidence of a protected witness, Hon. Lissu challenged the witness-protection arrangements, judicial visibility and effective cross-examination.
9–12 February 2026	The trial resumed with further prosecution evidence. The court addressed objections concerning protected witnesses, confidential legal access, trial delay and the accused's welfare during full-day hearings.

Date	Event and Procedural Significance
18 February 2026	The prosecution filed a notice under section 308 of the Criminal Procedure Act seeking to introduce additional evidence through ACP Amini Mahamba, who had already testified.
24 February 2026	The High Court upheld Lissu's objection and struck out the prosecution's notice to recall the already-testified witness.
3 March 2026	The DPP instituted Criminal Revision No. 7203216 of 2026 in the Court of Appeal, interrupting progress in the main trial pending determination.
23 March 2026	Three advocates of Tundu Lissu filed Miscellaneous Civil Cause No. 7300 of 2026 challenging restrictions on confidential access to Hon. Lissu and related prison practices.
3 July 2026	The Court of Appeal heard Hon. Lissu's preliminary objection together with the merits of the DPP's revision application.
30 July 2026	The Court of Appeal dismissed the revision. It held that section 308 did not permit the proposed recall of an already-testified witness to add evidence.
3 August 2026	The High Court issued a summons fixing continuation of Criminal Sessions Case No. 19605 of 2025 from 10 August 2026.



Date	Event and Procedural Significance
10–17 August 2026	The High Court resumed the prosecution case. The prosecution ultimately called 17 witnesses and closed its case on 17 August 2026.
18–20 August 2026	The parties filed and presented submissions on whether the prosecution evidence established a case to answer.
21 August 2026	The High Court ruled that Hon. Tundu Lissu had a case to answer and explained the rights available to him under section 312 of the Criminal Procedure Act. Hon. Lissu decided to give sworn evidence in his defence and identified 11 proposed defence witnesses, while the Court reserved its ruling on the proposed State witnesses. Following a court-facilitated consultation with his witnesses and his advocates, Hon. Lissu commenced his sworn defence testimony, and the matter was subsequently adjourned to 24 August 2026 for continuation of the defence case.



PART 3

APPLICABLE LEGAL FRAMEWORK

3.1 Domestic Legal Framework

Legal Instrument	Key Standard and Relevance
Constitution of the United Republic of Tanzania, 1977	Articles 13(6)(a)–(b), 15, 16, 18, 19 and 21 protect fair hearing, presumption of innocence, liberty, privacy, expression, religion, information and participation. Article 59B requires the DPP in exercising prosecutorial powers, to have regard to the need to dispense justice, prevent abuse of legal process and protect the public interest.; Articles 107A–107B require impartial justice without undue delay or interference.
Criminal Procedure Act, Cap. 20 R.E. 2023	Governs arrest, remand, preliminary inquiry, committal and trial. Key provisions include sections 24(1) (reasons for arrest), 33(2) (prompt court appearance in capital cases), 151(5) (non-bailable offences), 192 (open court), 194 (witness protection), 263 and 266 (committal and documents), and 308 (additional evidence).
Penal Code, Cap. 16 R.E. 2022	Section 39(2)(d) defines the alleged form of treason. The prosecution must prove every element beyond reasonable doubt
Prisons Act, Cap. 58 and Prison Management Regulations	Require lawful, humane and non-discriminatory detention. Regulation 13 protects legal consultation within sight but out of hearing of officers; Regulation 14 concerns religious services; remand prisoners must be treated according to their unconvicted status.

Legal Instrument	Key Standard and Relevance
Evidence Act, Cap. 6 R.E. 2022	Governs relevance, admissibility, proof and treatment of documentary and electronic evidence. The prosecution bears the burden of proving the charge beyond reasonable doubt.
Advocates (Professional Conduct and Etiquette) Regulations, 2018	Regulation 29 protects full and confidential advocate-client communication and supports effective defence preparation.

3.2 Regional and International Standards

Legal Instrument	Key Standard and Relevance
Universal Declaration of Human Rights, 1948	Articles 3, 5, 9-12, 18 and 19 protect liberty, humane treatment, freedom from arbitrary detention, fair and public hearing, presumption of innocence, privacy, religion, expression and information.
African Charter on Human and Peoples' Rights, 1981	Articles 3, 5-7, 9, 13 and 26 protect equality, dignity, liberty, fair trial, counsel of choice, reasonable time, expression, public participation and judicial independence.
International Covenant on Civil and Political Rights, 1966	Articles 9, 10 and 14 require lawful detention, humane treatment, equality before courts, independent and public hearing, presumption of innocence, adequate preparation, confidential counsel access, examination of witnesses and trial without undue delay. Articles 19, 21, 22 and 25 protect civic and political freedoms.



Legal Instrument	Key Standard and Relevance
United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), 2015	Rule 61 requires prisoners to be provided with adequate opportunity, time and facilities to communicate and consult with a legal adviser of their choice, without delay, interception or censorship and in full confidentiality. Consultations may be within sight, but not within hearing, of prison staff. Rules 111-120 require persons awaiting trial to be treated as unconvicted prisoners and given access to legal assistance and defence materials.
UN Basic Principles on the Role of Lawyers, 1990	Principles 1, 5, 7, 8 and 22 require timely access to counsel and confidential communication. Principles 16-18 protect lawyers from intimidation, interference and identification with their clients' causes.
African Principles and Guidelines on the Right to a Fair Trial, 2003	Require equality before courts, an independent and impartial tribunal, public hearing, presumption of innocence, adequate preparation, confidential counsel access, effective cross-examination, equality of arms and trial without undue delay.
Kampala Declaration on Prison Conditions in Africa, 1996	Requires respect for prisoners' rights and dignity, adequate living conditions, family contact and minimum use and duration of remand detention.
Arusha Declaration on Good Prison Practice, 1999	Promotes lawful, transparent and accountable prison administration, professional conduct, respect for dignity, independent oversight and cooperation with civil society.



PART 4

TRIAL OBSERVATION FINDINGS

4.1 Introduction

This Part presents THRDC’s preliminary findings arising from its observation of the criminal proceedings against Hon. Tundu Lissu. It examines the circumstances of his arrest and pre-trial process, conditions of detention, and the conduct of the court proceedings, including public access, prosecutorial conduct, adjournments and the courtroom environment.

The findings are based principally on direct court observation, court records and rulings, available pleadings and other legal documents, information presented before the courts, THRDC monitoring records, and corroborative public reports. Greater weight has been given to official court records and matters directly observed by THRDC.

4.2 Arrest and Pre-Trial Stage

a) Arrest

Hon. Tundu Lissu was arrested in Mbinga on 9 April 2025 during a public rally and was subsequently transported through Songea to Dar es Salaam. The prosecution case arises from remarks allegedly made by Hon. Lissu on 3 April 2025 while addressing CHADEMA leaders and former candidates in Dar es Salaam. During committal proceedings, the accused stated that he was not adequately informed of the reasons for his arrest at the time of arrest and disputed the manner in which the arrest was carried out.

Preliminary finding: *At the time of arrest and during his transportation from Mbinga to Songea and subsequently from Songea to Dar es Salaam, law enforcement officers did not communicate to the accused, Tundu Lissu at the time of arrest, the reasons for his arrest, contrary to section 24(1) of the Criminal Procedure Act. He was informed of the reasons for his arrest on 10 April 2025 upon arrival at the Central Police Station in Dar es Salaam.*



Police deploying tear gas during the forceful arrest of Hon. Tundu Lissu in Mbinga District, Ruvuma Region, on 9 April 2025



b) Police Custody and Arraignment in Court

Tundu Lissu was transported from Mbinga to Songea and subsequently to Dar es Salaam. He was arraigned before the court on 10 April 2025 and charged with treason.

Preliminary finding: *As treason is an offence punishable with death, section 33(2) of the Criminal Procedure Act requires that an accused must be brought before a court **as soon as practicable**. The arraignment on 10 April 2025, a day after his arrest, complied with this requirement.*

c) Initial Court Appearance

On 10 April 2025, one day after arrest, Hon. Lissu was brought before the Resident Magistrates' Court of Dar es Salaam at Kisutu. The treason charge was read and explained, and he was not called upon to plead because the subordinate court lacked jurisdiction to try it. He was represented by advocates, the prosecution reported that investigations continued, and the court ordered remand and fixed a mention date. A related cybercrime charge was also instituted, for which bail was granted.

Preliminary finding: *Hon. Lissu was arrested and arraigned before the subordinate court on the serious charge of treason while the prosecution investigations were still ongoing.*

d) Bail and Continued Detention

The treason charge is the gravest offence against the United Republic under article 28(4) of the constitution hence non-bailable under Tanzanian law. The subordinate court therefore did not undertake an individual bail assessment, and Hon. Lissu remained detained throughout the reporting period.

Preliminary finding: *Hon. Lissu has remained in detention to date because the offence of treason with which he is charged is non-bailable under Tanzanian law. Consequently, the court has not undertaken an individual bail assessment to determine whether his continued detention is necessary and justified.*

4.3 Detention Conditions

a) Place of Detention

The accused was initially held at Keko Prison and transferred to Ukonga Central Prison on 18 April 2025. Lawyers, relatives and party officials publicly reported difficulty locating him immediately after the transfer. The preliminary-inquiry record shows that defence counsel questioned about such a transfer in court as neither the accused nor his lawyers received a contemporaneous explanation.

Preliminary finding: Tundu Lissu was transferred from Keko Prison to Ukonga Central Prison on 18 April 2025 without prior notice to him, his lawyers or family members, and without reasons for the transfer being communicated to them.

b) Treatment in Prison

The accused alleged that he was accommodated with condemned prisoners subjected to close physical surveillance, including CCTV monitoring, and continuously escorted by not less than two prison officers. He raised concerns about this treatment before the court, but no official response from the Tanzania Prisons Service has been issued.

Preliminary finding: *Regulation 33(1)(a) of the Prisons (Prison Management) Regulations provides for constant supervision by two prison officers for a prisoner under sentence of death. Hon. Lissu is a remand prisoner who has not been **convicted or sentenced to death**; therefore, subjecting him to restrictions of condemned prisoners contravenes his status as an unconvicted prisoner and the presumption of innocence.*

c) Access to Lawyers

Court records indicate that on 24 April 2025, defence counsel informed the court that only one advocate was permitted to consult with the accused on 22 April 2025 for fifteen minutes. The consultation was conducted through telephones and a glass partition within the sight and hearing of prison officers. Between 18 April and 16 June 2025, advocates were denied consultations with the accused in a manner required by the law. On 16 June 2025, Hon. Lissu informed the court that he would represent himself, citing restrictions on access to confidential legal consultations which, according to him, prevented his lawyers from adequately preparing his defence. From 17 June to 12 November 2025, consultations were conducted in an



administrative office in the presence of prison officers performing administrative duties. From 13 November 2025 to date, consultations have been conducted in the office of either the Officer-in-Charge or Second-in-Charge for Ukonga Prison, within the hearing of prison officers.

On 23 March 2026, three advocates, Maduhu Kulwa, Nashon Nkungu and Paul Kisabo, instituted Miscellaneous Civil Cause No. 7300 of 2026 before the High Court of Tanzania at Dodoma Main Registry against the Attorney General, Commissioner General of Prisons, Officer-in-Charge of Ukonga Prison and Tundu Lissu, challenging, among other matters, the restrictions on confidential consultations between Hon. Lissu and his advocates. The matter remains pending before the High Court.

Preliminary finding: *The conduct of legal consultations within the hearing of prison officers is inconsistent with Regulation 13 of the Prisons (Prison Management) Regulations, which requires consultations with legal advisers to take place within the sight but out of the hearing of a prison officer. The restrictions also undermined the full and unreserved advocate-client communication privileged under Regulation 29 of the Advocates (Professional Conduct and Etiquette) Regulations, 2018 and the right to legal representation hence Tundu Lissu was forced to represent himself.*

d) Access to Family, Political Leaders and Associates

Family members, political leaders and associates reported restrictions on visits, particularly following Hon. Lissu's transfer to Ukonga Central Prison. Only a limited number of family members have reportedly been permitted to visit him on weekends. The accused informed the court that he was told in June 2025 by the Officer-in-Charge that leaders and members of his political party would not be permitted to visit him, and political associates who attempted to visit were denied access. However, Tundu Lissu mentioned in court all the top leaders of his party to be with his witnessess in the treason case, therefore their restriction to visist him affects his defense preparation to the case

On 24 April 2025, Hon. Lissu's brother and advocate, Alute Mughwai, informed the court:



"I reported to Ukonga Prison yesterday at 11:00 AM to see Mr. Lissu regarding instructions for today's proceedings. I was unable to meet him and was kept waiting for seven hours until 6:00 pm, when I was forcibly removed and the main gate of the prison closed. This occurred despite my introduction as an advocate and as a blood relative of the accused, and despite explaining that I had travelled all the way from Arusha to Dar es Salaam to attend to the charges against Lissu."

The restrictions were raised by the accused before both the subordinate court and the High Court. The Registrar of the High Court at Dar es Salaam also visited Hon. Lissu in prison, during which the accused raised concerns regarding the restrictions. However, the reported restrictions have continued.

Preliminary finding: Access by Hon. Lissu's family members has been limited, while political leaders and members of his party have been denied visits. No reasons or lawful justification for the restrictions imposed on visits by political associates have been communicated to the accused or placed on record by the Tanzania Prison Service contrary to regulation 12 of the Prisons Management Regulations.

e) Freedom of Religion

The accused raised concerns during committal that he had been denied the opportunity to attend Christian religious services while in custody. Despite requesting to attend services from Good Friday through Easter and on subsequent Sundays, he alleged that prison officers denied him access while other prisoners were permitted to attend. Right to worship is a constitutional right under article 19 of the constitution and Regulation 14 of the Prisons (Prison Management) Regulations provides for prisoners' attendance at religious services, subject to the applicable prison arrangements.

Preliminary finding: No reasons for the differential restriction were communicated to Tundu Lissu or placed on record, contrary with article 19 of the Constitution of the United Republic of Tanzania and Regulation 14 of the Prisons (Prison Management) Regulations and his freedom of religion.



f) Right to Food and Health

On 12 February 2026, during proceedings before the High Court, Hon. Lissu informed the Court after the lunch recess that he had not been provided with food while attending the hearing. He further stated that this was not an isolated concern affecting him alone but a practice affecting remand prisoners brought to court. The presiding judge acknowledged food as a fundamental right, declined to continue the proceedings while the accused remained without food, and directed the Tanzania Prisons Service to ensure that Hon. Lissu was provided with lunch during subsequent court appearances.

Preliminary finding: *The failure to provide Hon. Lissu with food while in State custody during a full day of court proceedings is a contravention to the fundamental right to life under article 14 of the Constitution. The Court's intervention and subsequent direction to the Prison Service provided an immediate corrective measure, but the incident raises concern regarding the welfare arrangements for remand prisoners attending prolonged court proceedings*



Hon. Tundu Lissu holding a meal provided to him while at court, following the Court's order that he be provided with food during court proceedings

g) Other Detention Concerns

Additional concerns related to access to legal documents, newspapers and other information. Legal documents sent by his lawyers are being read first by by prison officers before being delivered to Hon. Lissu. From April 2026 Lissu has been denied access to certain materials, including the MwanaHALISI newspaper, a speech by retired Chief Justice Mohamed Chande concerning the Commission of Inquiry, and a statement by the Commonwealth Ministerial Action Group concerning his case, without reasons being provided by prison authorities.

Preliminary finding: *The reading and scrutiny of legal documents by prison officers before their delivery to Hon. Lissu undermines the confidentiality of legal communication and his ability to adequately prepare his defence. No legal basis was provided for denying him access to publicly available materials, including the MwanaHALISI newspaper and other public documents.*

4.4. Conduct of Court Proceedings

a) Public Access

Section 192(1) of the Criminal Procedure Act establishes the principle of open justice by providing that a court conducting an inquiry into or trial of a criminal offence shall be open to the public, unless otherwise expressly provided by law, subject to the capacity of the courtroom. Where physical capacity is insufficient, the principle of open justice requires reasonable measures to facilitate meaningful public access to the proceedings.

On 24 April 2025 and on several subsequent hearing dates, public access to the proceedings was restricted. Prior to the hearing on 24 April 2025, statements were issued by the Dar es Salaam Regional Commissioner and the Dar es Salaam Special Police Zone Commander directing members of the public not to attend the court proceedings. Consequently, members of the public, journalists, CHADEMA leaders, members and supporters who attempted to attend the proceedings were prevented from accessing the court premises.

More than 20 CHADEMA leaders and members were arrested outside the court, with several reporting that they had been subjected to harassment, physical assault and torture. Some of those arrested were transported away from the court area and later abandoned in remote locations, including Ununio and Pande



Forest, approximately 43 kilometres from Dar es Salaam. Videos subsequently circulated on social media showed some of the affected individuals in apparent severe pain, with visible injuries and bloodstains reportedly resulting from the alleged beatings. Those affected included Ali Ibrahim Juma, Deputy Secretary General for Zanzibar; Lucas Ngoto, Chairperson for Serengeti Zone; John Pambalu, Director of Operations and Elections; and Tito Kitalika, Finance Director. Several of the injured individuals subsequently received emergency medical treatment at Mwananyamala Hospital in Dar es Salaam.

Hon. John Heche, Vice Chairperson for Tanzania Mainland, and John Mnyika, Secretary General of CHADEMA, were also arrested and later released by the police. Mnyika was subsequently returned to the party headquarters in Mikocheni. Other party members could not immediately be accounted for following the arrests. Among them was Hilda Newton, a member of the CHADEMA General Assembly and mother of a one-year-old child, whose whereabouts remained unknown for approximately one day. She was subsequently traced and confirmed to have been arrested and detained at the Central Police Station in Dar es Salaam.



A group of CHADEMA leaders and members after they were subjected to physical assault and torture and subsequently abandoned at Pande Forest in Bagamoyo. At the centre is Mr. Lucas Ngoto, Chairperson of CHADEMA's Serengeti Zone.

Restrictions were also in relation to regional and international observers seeking to follow the proceedings. On 18 May 2025, former Kenyan Minister of Justice and advocate Martha Karua, Law Society of Kenya Council Member Gloria Kimani and Lynn Ngugi were denied entry into Tanzania at Julius Nyerere International Airport. Former Chief Justice of Kenya Willy Mutunga and other human rights defenders were similarly denied entry, preventing them from observing the proceedings. On 19 May 2025, Kenyan journalist and human rights activist Boniface Mwangi and Ugandan human rights defender Agather Atuhaire, who had entered Tanzania and intended to observe the proceedings, were arrested and subsequently expelled from Tanzania. Both later when being interviewed with BBC said that they were subjected to torture and other ill-treatment while in detention, allegations which the Government of Tanzania denied.

On 15 September 2025, further confrontations occurred outside the High Court in Dar es Salaam involving law enforcement officers and CHADEMA members and supporters who had attended the hearing. Advocate Deogratias Mahinyila was among those arrested at the court premises and subsequently detained at Central Police Station. He was physically assaulted by police officers during his arrest at the court premises regardless that an advocate is an officer of the court.



Advocate Deogratias Mahinyila being physically restrained and forcibly arrested by police officers at the premises of the High Court of Tanzania in Dar es Salaam



Public access was also regulated through lists of persons permitted to attend the proceedings. At different stages, Hon. Lissu was required by the Judiciary to submit lists of persons he wished to attend, including party leaders, members, relatives and other persons, with attendance limited at different times to 100 and later 40 persons. Throughout the reporting period, THRDC observed heightened security around the courts, restricted entry, limited courtroom capacity, short-notice virtual-hearing arrangements and, on some hearing dates, confrontations between law enforcement officers and members of the public inside and outside the court. On 18 August 2025, the Resident Magistrates' Court of Dar es Salaam at Kisutu also discontinued live-streaming of the proceedings following a High Court witness-protection order.

Preliminary finding:

- i. Public access to the proceedings was not consistently guaranteed. On 24 April 2025 and other hearing dates, members of the public were denied access and some tortured, despite the open-court principle. Restrictions imposed on public attendance were not always accompanied by a clear legal basis or reasons.
- ii. Regional and international observers were denied entry into Tanzania without clear justification. The exclusion of Martha Karua, Gloria Kimani, Lynn Ngugi, Willy Mutunga and others, together with the arrest and expulsion of Boniface Mwangi and Agather Atuhairi, prevented independent regional observation of the proceedings and limited opportunities for comparative regional trial assessment.
- iii. The arrest and physical assault of Advocate Deogratias Mahinyila at the High Court premises on 15 September 2025, without any apparent intervention by the Court, raised concerns regarding judicial independence and undermines public confidence in the administration of justice
- iv. There is no legal basis for limiting public access in criminal trials or requiring lists of attendees like 100 or 40. Alternative measures were not consistently provided to ensure meaningful public access and preserve the principle of open justice.

b) Conduct of the Prosecution

The prosecution instituted the non-bailable treason charge while investigations were incomplete and subsequently sought adjournments on the ground that investigations were continuing. Article 59B of the Constitution requires the DPP, in exercising prosecutorial powers, to have regard to the need to dispense justice, prevent abuse of legal process and protect the public interest. Instituting a non-bailable charge while investigations remained incomplete therefore raises concerns regarding the expeditious administration of justice, particularly where the accused remained in detention.

The prosecution also obtained witness-protection measures through an ex parte application under section 194 of the CPA, including non-disclosure of witness identities and statements. However, on 16 February 2026, the High Court of Tanzania in *Godfrey Mjuni Martin Basasingohe v Attorney General and DPP*, Miscellaneous Civil Cause No. 22482 of 2025, declared that section 194 violated the constitutional principle of equal protection of the law to the extent that it granted protection exclusively to prosecution witnesses while denying corresponding protection to defence witnesses. The Court directed Parliament to amend the provision within twelve months, failing which it would cease to have legal force.

On 18 February 2026, the prosecution filed a Notice of Additional Substance of Evidence under section 308 of the CPA seeking to introduce additional evidence through ACP Amini Mahamba, who had already testified. On 24 February 2026, the High Court struck out the notice, holding that section 308 did not permit the proposed procedure. The DPP sought revision before the Court of Appeal, but the application was dismissed on 30 July 2026, with the Court of Appeal upholding the High Court's interpretation.

Preliminary finding:

- i. The institution of a non-bailable treason charge while investigations is incomplete contravenes the DPP's constitutional duty to dispense justice and avoid unnecessary delay.
- ii. The prosecution's attempt to introduce additional evidence through an already-testified witness was rejected by both the High Court and Court of Appeal and resulted in further interruption of the trial while the accused remained in detention.



The official proceedings further show that the prosecution evidence comprised police and investigating officers, evidence concerning the retrieval and forensic examination of electronic or video material, and civilian witnesses, several of whom testified under protective arrangements. The accused cross-examined the witnesses, challenged the chain of custody and reliability of electronic evidence, tested differences between oral testimony and earlier police statements, and in several instances had prior statements admitted as defence exhibits for purposes of cross-examination. The Court heard and ruled on evidentiary and procedural objections, read evidence back to witnesses for confirmation and recorded its reasons in interlocutory rulings. These safeguards are material to the overall assessment, while the weight and credibility of the evidence remain matters for final judicial determination.

c) Adjournments and Delay

Concerns arose at the early stage of the proceedings regarding the use of virtual hearings. Following the arraignment of Tundu Lissu on 10 April 2025, the proceedings were adjourned to 24 April 2025. On 23 April 2025, the parties were notified by SMS that the following day's proceedings would be conducted virtually under the Judicature and Application of Laws (Remote Proceedings and Electronic Recording) Rules, 2021. The notice did not comply with Rule 10(a), which requires notice of not less than seven clear days.

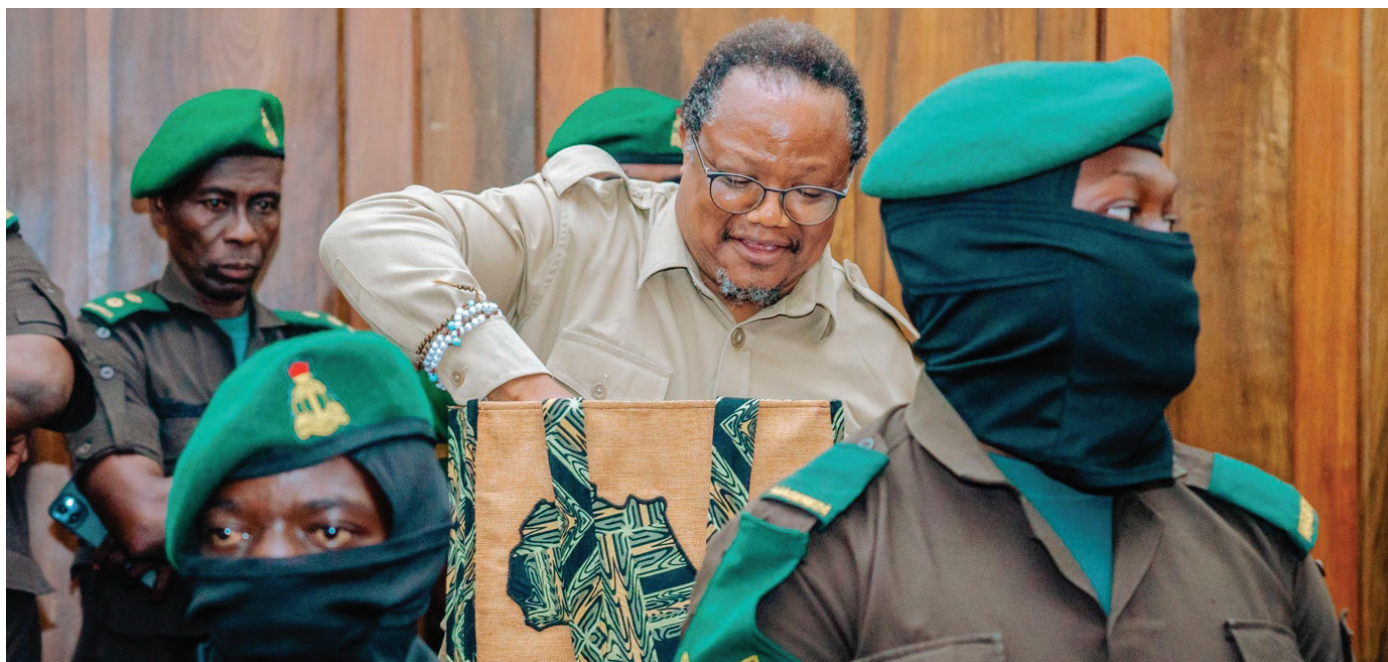
The preliminary inquiry involved repeated mentions while investigations continued. The trial commenced in October 2025, was adjourned during the 2025 General Election period, and was further adjourned in early November 2025 due to alleged security concerns by the prosecution affecting the accused and transportation challenges involving prosecution witnesses. The hearing resumed in February 2026 but was again interrupted by the DPP's revision proceedings before the Court of Appeal until their determination on 30 July 2026. Other adjournments arose from procedural matters, including determination of the prosecution's ex parte Application No. 13298 of 2025 for witness-protection measures. As the accused remained in detention throughout, the prolonged proceedings had significant implications for his right to be tried within a reasonable time.

Preliminary finding: *Repeated adjournments arising from incomplete investigations, security concerns, witness transportation and unresolved procedural matters contributed to prolonged proceedings while the accused remained in detention.*

d) Courtroom Environment

The proceedings attracted exceptional public and political attention and were accompanied by a heavy security presence within and around the court premises. THRDC observed that prison officers escorting the accused regularly wore masks inside the courtroom, which created an intimidating environment for members of the public. As the courtroom is under the authority and control of the Court, security arrangements should respect the judicial character of the proceedings and should not interfere with open and orderly administration of justice.

Preliminary finding: *The heavy security presence within and around the court premises, including the regular presence of masked prison officers inside the courtroom, created an intimidating courtroom environment with the potential to discourage lawful public attendance and affect the openness of the proceedings*



Hon. Tundu Lissu accompanied by Tanzania Prisons Service officers wearing face masks while attending court proceedings



e) Closure of the Prosecution Case and Commencement of the Defence

The prosecution called 17 witnesses and formally closed its case on 17 August 2026. The parties then presented oral submissions on whether the evidence disclosed a case to answer. Hon. Lissu submitted that no prima facie case had been established and sought an acquittal and compensation, while the prosecution maintained that the evidence required him to enter a defence.

On 21 August 2026, the three-judge panel ruled that a case to answer had been established. In applying the prima facie-case test, the Court stated that it was not at that stage determining the ultimate weight or credibility of the evidence, but whether the prosecution evidence, if left unanswered, was capable of supporting the charged offence or a cognate offence. The Court then explained the accused's options under section 312 of the Criminal Procedure Act: to give evidence, call witnesses or remain silent.

Hon. Lissu decided to give sworn evidence and identified 11 proposed defence witnesses: (i) Samia Suluhu Hassan, President of the United Republic of Tanzania and Chairperson of the National Security Council; (ii) Philip Isidor Mpango, who served as Vice President of the United Republic of Tanzania in 2025 and was a member of the National Security Council; (iii) Kassim Majaliwa Majaliwa, who served as Prime Minister of the United Republic of Tanzania, Leader of Government Business, and a member of the National Security Council; (iv) Camillus Wambura, Inspector General of Police and a member of the Secretariat of the National Security Council; (v) General Jacob John Mkunda, Chief of Defence Forces of the Tanzania People's Defence Force and a member of the Secretariat of the National Security Council; (vi) the Director General of the Tanzania Intelligence and Security Service and a member of the National Security Council; (vii) Commissioner of Police Ramadhani Kingai, Director of Criminal Investigations; (viii) John Wegesa Heche, CHADEMA Vice-Chairperson (Mainland); (ix) John John Mnyika, CHADEMA Secretary-General; (x) Amani Sam Golugwa, CHADEMA Deputy Secretary-General (Mainland); and (xi) Brenda Rupia, Director of Communications and Publicity. The prosecution objected to the proposed defence witnesses and especially summonses for seven State witnesses on grounds that they were not mentioned during committal proceedings, their relevance, competence or compellability, enforceability and statutory confidentiality. Tundu Lissu responded that the names had previously been mentioned during committal and the Resident Magistrate in

Charge refused to write them but also he raised that concern during preliminary hearing and the High Court allowed him to mention them and that the witnesses were relevant to the alleged intimidation of the Executive and to the right to call defence evidence.

After hearing the parties, the Court reserved its ruling on the proposed State witnesses and directed that the CHADEMA-related witnesses could proceed. Hon. Lissu renewed his request for confidential access to counsel and proposed witnesses. The Court permitted a consultation during the adjournment, subject to security arrangements; THRDC observed that approximately 40 minutes of consultation was subsequently provided before the afternoon session.

Hon. Lissu then took the oath and commenced his defence testimony, addressing his professional, parliamentary, political and human-rights background, the 2017 assassination attempt and subsequent medical treatment, his work on constitutional and electoral reform, and the human-rights recognition awards. The Court adjourned the case to 24 August 2026 for continuation of his testimony.

Preliminary finding: The 21 August ruling moved the case from the prosecution stage to the defence stage. The Court's explanation of the accused's statutory options and its facilitation of a consultation were positive procedural safeguards. Continued monitoring remains necessary to assess whether the accused receives adequate time and facilities to prepare his defence, confidential access to counsel and witnesses, and a practical opportunity to secure and examine relevant defence evidence.



Hon. Tundu Lissu in consultation with Advocate Paul Kisabo inside the courtroom

4.5. Overall Preliminary Findings

- a) Arrest and arraignment.** Tundu Lissu was not informed of the reason for arrest at the time of arrest as required by section 24(1) of the Criminal Procedure Act
- b) Continued pre-trial detention.** Because treason is non-bailable in Tanzania, Tundu Lissu has continued remaining in prison without an individual judicial assessment of whether his continued detention is necessary and justified, with significant implications for his right to liberty and trial within a reasonable time.
- c) Status and treatment as a remand prisoner.** Subjecting Tundu Lissu, an unconvicted remand prisoner, to security arrangements associated with condemned prisoners is inconsistent with his legal status and the presumption of innocence.

- d) **Confidential access to lawyers.** The repeated conduct of legal consultations within the hearing of prison officers, together with restrictions on counsel and scrutiny or withholding of legal documents, has materially impaired confidential lawyer–client communication and effective defence preparation.
- e) **Access to family and political leaders.** Access by family members was limited, while political leaders and associates were denied visits without clear reasons or lawful justification being communicated or placed on record.
- f) **Freedom of religion.** Tundu Lissu was initially denied access to Christian worship while other prisoners were permitted to attend, without reasons for the differential treatment being communicated or placed on record until when he complained in court then he was allowed to worship.
- g) **Access to information and defence materials.** Legal documents sent or prepared by Tundu Lissu’s legal advisers have continued to be read by prison officers before being delivered to him. The denial of access to publicly available materials, including MwanaHALISI newspapers and other public documents, has further restricted his access to information and affected effective preparation of his defence.
- h) **Basic welfare in custody.** The failure to provide food during a full court day was incompatible with humane treatment, although the Court’s intervention and direction to the Tanzania Prison Service constituted an important and immediate safeguard.
- i) **Open justice and public access.** Public access to the proceedings was not consistently guaranteed, and restrictions affecting journalists, party members, supporters, well-wishers and other members of the public reduced the practical openness of the proceedings.
- j) **Independent regional and international observation.** There were denial of entry, arrest or expulsion of regional observers preventing independent observation of the proceedings and limited opportunities for comparative regional assessment of the treason trial.
- k) **Treatment of persons attending proceedings.** Arrests and physical mistreatment, beatings or torture of members of the public, journalists, advocates and political supporters seeking to attend the proceedings created an intimidating environment and discouraged lawful attendance at a public criminal trial.



- l) Judicial independence and public confidence.** Statements by State authorities directing the public not to attend criminal proceedings, together with security restrictions around the courts, is an interference with the Court's control of its proceedings and undermining public confidence in the independence and openness of the administration of justice.
- m) Prosecutorial diligence.** The institution and continuation of a non-bailable charge while investigations remained incomplete, together with an unsuccessful attempt to introduce additional evidence through an already-testified witness, contributed to delay and required closer adherence to the DPP's constitutional duties to dispense justice in a timely manner.
- n) Adjournments and trial within a reasonable time.** Viewed cumulatively, adjournments arising from incomplete investigations, security and witness-transport concerns, procedural applications and revision proceedings prolonged the trial while the accused remained detained, raising serious concerns regarding trial within a reasonable time.
- o) Courtroom environment.** The heavy security presence within and around the court premises, including the regular presence of masked prison officers inside the courtroom, created an intimidating environment with the potential to discourage lawful public attendance.
- p) Restrictive bail laws.** The statutory classification of treason as a non-bailable offence has prevented the Court from individually assessing whether Tundu Lissu's continued detention is necessary and justified, resulting in prolonged pre-trial detention throughout the proceedings.
- q) Wider public interest and international concern.** The prosecution and treatment of Tundu Lissu have attracted significant national, regional and international concern, including statements by the Commonwealth, European Parliament and national, regional and international civil society organisations, raising broader concerns regarding Tanzania's administration of justice, democratic governance and adherence to fair-trial standards.

Current procedural status. As at 21 August 2026, the prosecution had closed after 17 witnesses, the High Court had found a case to answer, and the accused had commenced sworn defence evidence. The case was adjourned to 24 August 2026, while a ruling remained pending on the proposed summonses for certain State witnesses.





PART 5

PRELIMINARY RECOMMENDATIONS

5.1 Introduction

These recommendations address the principal concerns identified and are directed to the institutions best placed to provide an immediate or systemic remedy. They are preliminary, do not prejudge the merits of the criminal charge, and should be reviewed as the proceedings develop.

5.2 Judiciary

- a) Adopt a continuous and prioritized hearing timetable, strictly limit adjournments and record clear reasons whenever an adjournment is unavoidable, taking particular account of the accused's continued detention.
- b) Ensure meaningful public and media access to criminal trials and, where restrictions are strictly necessary, provide written reasons and practical alternatives consistent with open justice.
- c) Guarantee the accused adequate time and facilities to prepare his defence, including arrangements for confidential consultation with counsel and timely exchange of legal documents before and during hearings.
- d) Maintain courtroom security measures that are necessary, proportionate and compatible with the dignity of the court, the presumption of innocence and an environment that does not discourage lawful attendance.
- e) Continue active judicial oversight of detention-related complaints, including access to counsel, food, religious practice and remand conditions, and require prompt compliance with court directions.

5.3 Office of the Director of Public Prosecutions

- a) Review the continued prosecution of Tundu Lissu and consider withdrawing the charge because its continuation is no longer supported by both the interest of justice or public interest, considering its wider implications for the administration of justice and Tanzania's regional and international human rights obligations.
- b) Institute criminal proceedings only after sufficient investigation has been undertaken to establish a proper evidential basis for prosecution, particularly in cases involving non-bailable offences where an accused may remain in detention throughout the proceedings.
- c) Exercise the constitutional and statutory powers of the DPP to discontinue criminal proceedings where continued prosecution is no longer justified by the available evidence, the interests of justice or the public interest.
- d) Exercise prosecutorial powers consistently with Article 59B of the Constitution by safeguarding fairness, preventing abuse of legal process, dispensing justice without unnecessary delay.
- e) Implement the Chande Commission's recommendation that section 131A of the Criminal Procedure Act be amended to prescribe a time limit for completing investigations in serious offences triable by the High Court and ensure that non-bailable prosecutions are not commenced or prolonged on the basis of open-ended investigations.

5.4 Tanzania Prison Service

- a) To ensure that all consultations between the accused and his legal advisers take place within sight but out of the hearing of prison officers, in accordance with Regulation 13 of the Prisons (Prison Management) Regulations.
- b) Permit the confidential exchange of legal documents; any restriction or withholding of material should have a specific legal basis, written reasons and an effective avenue of review.
- c) Treat the accused strictly according to his status as an unconvicted remand prisoner and discontinue any restriction associated with convicted or condemned prisoners



- d) Facilitate regular and non-discriminatory visits by family members and political leaders, associates, party members and other well-wishers.
- e) Implement relevant institutional reforms proposed by the Chande Commission to strengthen humane custodial services, accountability and independent handling of complaints against criminal-justice institutions, including an appropriately empowered civilian complaints mechanism within the Commission for Human Rights and Good Governance.

5.5 Government of Tanzania and Parliament

- a) Ensure that law-enforcement and administrative authorities facilitate peaceful public, media and observer access to court proceedings and refrain from conduct that could intimidate participants or undermine judicial independence.
- b) Promptly and independently investigate credible allegations of unlawful arrest, mistreatment or torture of advocates, journalists, observers and members of the public in connection with the proceedings, and provide effective remedies where violations are established.
- c) Amend the Criminal Procedure Act, particularly section 151(5), which restricts the granting of bail for specified offences, to allow courts to determine bail on an individual basis for all offences, subject to appropriate conditions and judicial assessment of the circumstances of each case.
- d) Implement the Chande Commission's recommendation to amend Part VII of the Criminal Procedure Act by removing committal requirements that unnecessarily prolong proceedings, while preserving full and timely disclosure and the accused's ability to identify and secure defence witnesses.
- e) Respect and safeguard democratic rights, including freedom of expression, freedom of association and the right to hold and express differing political opinions, and ensure that serious criminal offences, including treason and terrorism, are not used to criminalise lawful political activity, dissent or opposition to the Government.
- f) Respect and protect the independence of the Judiciary, the professional work of advocates and the right of domestic, regional and international observers to monitor public proceedings, subject only to lawful and proportionate restrictions.

- g) Promptly consider and implement, in good faith and in accordance with Tanzania's Constitution and its regional and international obligations, all applicable recommendations and decisions concerning Hon. Tundu Lissu issued by the United Nations, including the United Nations Working Group on Arbitrary Detention, the Commonwealth, national human rights institutions, and other relevant national, regional and international organisations

5.6 Tanganyika Law Society and the Legal Profession

- a) Provide coordinated professional and technical support to the defence team while respecting the accused's decisions concerning representation
- b) Pursue appropriate legal and institutional remedies for systemic restrictions affecting advocates' access to detained clients and confidential legal communication.

5.7 Civil Society Organisations and the Media

- a) Continue independent and impartial observation of the trial and detention conditions, clearly distinguishing verified facts, allegations, court findings and legal analysis.
- b) Provide lawful legal, and humanitarian support where required and document or report to the public any barriers affecting the accused, lawyers, family members, journalists or observers.
- c) Continue coverage of the Tundu Lissu's treason trial and other cases across the country

5.8 Regional and International Human Rights Mechanisms

- a) Continue monitoring the proceedings and engage the Government of Tanzania through appropriate diplomatic and human rights mechanisms on fair-trial guarantees, confidential access to legal counsel, humane detention conditions, open justice and trial without undue delay.
- b) Continue advocating for unrestricted access by independent national, regional and international trial observers and engage the Government where observers are denied entry or access without clear legal justification.



- c) Engage the Government of Tanzania on allegations of arrest, torture, ill-treatment or intimidation of lawyers, journalists, human rights defenders and members of the public seeking to observe the proceedings, and call for prompt, independent and effective investigations
- d) Encourage and, where appropriate, provide technical assistance to relevant Tanzanian institutions on fair-trial standards, prison oversight, pre-trial detention, open justice and protection of confidential lawyer-client communication.
- e) Encourage Tanzania to review laws and practices that result in prolonged pre-trial detention, particularly statutory restrictions on bail that prevent courts from undertaking an individual assessment of the necessity of continued detention.
- f) Base public interventions on verified information and applicable international and regional human rights standards, while calling for prompt and effective remedies where violations are established.

5.9 Conclusion

The proceedings observed through 21 August 2026 demonstrate both important judicial safeguards and continuing fair-trial concerns. The courts have, at material stages, ruled on contested applications, supervised some aspects of the accused's welfare, explained his defence options and facilitated a consultation before the defence commenced. At the same time, the cumulative concerns relating to prolonged remand detention, statutory exclusion of bail, confidentiality of legal consultations, access to family and proposed witnesses, public and observer access, detention conditions and repeated delay require sustained institutional attention.

As the defence proceeds, all institutions should safeguard the independence of the Court, the presumption of innocence, equality of arms, adequate time and facilities for defence preparation, humane treatment and meaningful open justice. THRDC will continue independent monitoring and may update these preliminary observations as further evidence, rulings and the final judgment become available.



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