



AFRICAN UNION
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**AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES**

CASE SUMMARY

APPLICATION No. 014 OF 2015

JIBU AMIR MUSSA & SAID ALLY MANGAYA

V.

THE UNITED REPUBLIC OF TANZANIA

I. THE PARTIES

1. The First Applicant, JIBU AMIR MUSSA, is a 48 year-old Tanzanian national, a businessman and resident in Temeke, Dar-es-Salaam Region.
2. The Second Applicant, SAID ALLY MANGAYA, is a 40 year-old Tanzanian national, a businessman and resident in Mbagala/Temeke, Dar-es-Salaam Region.
3. The Respondent State is the United Republic of Tanzania.

II. SUMMARY OF THE FACTS AND ALLEGED VIOLATIONS

1. The Applicants claim that:
 - They were handed down an excessively long sentence of a thirty-year (30) prison term, on 25 February 2004, by the District Court of Temeke, Dar es Salaam, for allegedly carrying out armed robbery,

during which the victim was shot at and wounded on the leg, and for having stolen cash amounting to 1.2 million Tanzanian shillings.

- The 30-year prison sentence was anchored on Section 287 A of the Penal Code, enacted by Law 269 of 2004, which came into force in 2004, whereas on the date the alleged offence occurred (31 December 2001), the law provided for a maximum sentence of 15 years imprisonment, pursuant to Sections 285 and 286 of the Tanzanian Penal Code , Ch. XVI, Vol. 1, that was in force at that time.
 - They filed appeals, which were dismissed; and, the High Court of Tanzania upheld the sentences on 20 March 2015.
 - In view of the above, the Tanzanian State has violated:
 - ✓ Article 13(b) of the Constitution of the United Republic of Tanzania;
 - ✓ Sections 285 and 286 of the Penal Code in force on 31 December 2001, the date the offence is alleged to have taken place; and
 - ✓ The African Charter on Human and People's Rights [(Articles 1, 2, 3, 4, 5, 6 and 7 (1) (c) and (2)].
2. The Applicants allege further that the Respondent State has failed in its duty to protect their right to a lawyer.

III. APPLICANT'S PRAYERS

3. The Applicants pray the Court to take the following measures:
- provide them with legal aid, pursuant to Article 10(2) of the Protocol and Rule 31 of the Rules of the Court;
 - issue a judicial order to the effect that the Respondent State has violated their rights as provided for in the above mentioned domestic laws and international legal instruments;
 - issue, accordingly, an order compelling the Respondent State to release them from prison, in view of the fact that they have served the sentence provided for in Sections 285 and 286 of the Penal Code that was in force at the time the robbery is purported to have been carried out;
 - issue an order for compensation, should the Honourable Court conclude that the Application and the claims therein have merit; as well

as oversee the implementation of the orders and measures that the Venerable Court may deem appropriate.

.....**END**.....