

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 09/2015

Ikili Rashidi v. The United Republic of Tanzania

SUMMARY OF THE FACTS

1. The Applicant, Mr. Ikili Rashidi is a citizen of the Democratic Republic of Congo who lived in Tanzania for 30 years. His Application was received at the Registry on 19 February 2015.
2. The Applicant and his family were allegedly expelled from Tanzania “illegally” after a dispute with a general merchant retailer named Mussa Ruganda Leki who owes him some amount of money.
3. The intervention of the DRC Embassy did not resolve the matter. The Applicant is now in Bujumbura, Burundi, without the possibility of returning to Tanzania.
4. The Applicant has sued the Tanzanian Government.

COMPLAINT

5. The Applicant contends that he was expelled “illegally” in inhuman, undignified and degrading conditions.
6. The Applicant further contends that he was expelled after a preliminary judgement ordering Mr. Mussa Ruganda Leki to pay him part of the amount declared.
7. The Applicant makes reference to the violation of Article 13(4) of the Constitution of the United Republic of Tanzania; and of Article 13 (1) of the Universal Declaration of Human Rights.

THE APPLICANT PRAYERS

8. The Applicant requests:
 - Free legal aid representation;
 - The Court to rule that his claim is founded and to declare it admissible;
 - The Court to rule that the acts inflicted on him contravene the law;
 - The Court to require Tanzanian Government to compensate him in the amount of TZSH 800 million for abuse and ridicule;
 - The Court to require the Presidency of the High Court (Mahakama KUU) to ship to the Court File No. 118/07 Civil Case and File No. 57/09 Civil Case, Baraza Kata/Segelea, Dar es salaam, for attachment to this Application.

RESPONDENT PLEADINGS

9. The Respondent contends that the Applicant and his family were charged with illegally residing in the Respondent State in Criminal Case No 765 of 2006 at the Reside Magistrate Court at Kisutu, Dar-es-salaam.
10. Following an intervention of the DRC Embassy it was agreed on humanitarian basis that the Applicant and his family would exit the Respondent State and the case be dropped.
11. The Applicant and his family members were each issued with a Notice to Prohibited Immigrant ordering each to leave the Respondent State within 7 days. The members of his family left but the Applicant remain in the Country to pursue Civil Case No. 263 of 2005. An extension of visa was given to the Applicant on several occasion and he was advised to apply for a Residential permit so he can stay lawfully in the Country.
12. The Respondent prays the Court to Declare:
 - i. That the Applicant has not evoked the Jurisdiction of the honourable Court.
 - ii. That the Application be declared inadmissible as it has not met the admissibility requirement under Rule 40 (5) and (6) of the Rules of the Court.
 - iii. That the Application be dismissed.
 - iv. That the Government of the United Republic of Tanzania has not violated Article 5 of the African Charter on Human and Peoples Rights.
 - v. That the Government of the United Republic of Tanzania has not violate Article 12 (4) of the African Charter on Human and Peoples Rights.

- vi. That the Government of the United Republic of Tanzania has not violated Article 13 (1) of the Universal Declaration on Human Rights.
- vii. That the Applicant Request for reparations be denied
- viii. That the Application be dismissed for lack of merit
- ix. That the Application be dismissed in accordance with Rule 38 of the Rules of the Court