



**PRESS RELEASE**  
**JUDGMENT SUMMARY**

**APPLICATION FOR REVIEW NUMBER 002/2018**

**FOR JUDGMENT OF 11 MAY 2018 IN**

**THOBIAS MANG'ARA MANGO AND SHUKURANI MASEGENYA MANGO v. UNITED  
REPUBLIC OF TANZANIA**

**JUDGMENT ON REVIEW [4 July 2019]**

**A DECISION OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS**

Date of Press Release: 4 July 2019

**Arusha, 4 July 2019.** Today, the African Court on Human and Peoples' Rights (the African Court or the Court) delivered its judgment in an Application for Review of the Judgment of 11 May 2018 in *Thobias Mang'ara Mango and Shukurani Masegenya Mango v The United Republic of Tanzania*

The Applicants, Messrs Thobias Mang'ara Mango and Shukurani Masegenya Mango, filed an Application for Review of the Judgment of the Court rendered on 11 May 2018 on the merits. In the said judgment, the Court found that the Respondent State violated Articles 1 and Article 7 (1) (c) of the Charter having failed to provide the Applicants with legal assistance and copies of some witness statements and for the delay in providing them some witness statements. All the same, the Court held that the allegations of violations of Articles 2, 3, 5, 19 and 28 of the Charter and Articles 1, 2, 3, 5, 6 and 7 of the Universal Declaration of Human Rights in relation to their trial and conviction of the Applicants were not established.

In their request for Review, the Applicants reiterated their original claims stating, among others, that during their trial by domestic courts, the principle of law and practice regulating visual identification were not considered; they were denied a chance to be heard when the presiding Magistrate was changed; no actual weapon was discovered or tendered to support the charge of armed robbery and the owner of the Bureau de Change mentioned on the charge sheet was never called before the court to testify; and there were contradictions in the evidence of prosecution witnesses. The Applicants also argued that the Court of Appeal of the Respondent State relied on misconceived findings to convict them.

The Respondent State did not file any submissions with regard to this Application for Review.

The Court observed that Article 28(3) of the Protocol empowers it to review its own decisions under conditions set out in its Rules. According to Rule 67 (1) and (2) of the Rules of Court, the Court may



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review its judgment in the event of the discovery of evidence, which was not within the knowledge of the party at the time the judgment was delivered, such application having been filed within six (6) months from the time the Applicant obtained such evidence.

Having considered all grounds of the Applicants' request for review, the Court, recalling its judgment of 11 May 2018, noted that most of these grounds had been raised during the assessment on the merits on which it already made a final determination. As regards the ground that the Court of Appeal of the Respondent State relied on misconceived findings to convict them, the Court noted that although this is a new submission that had not been raised at the merits stage, it does not constitute new evidence that would not have been in the Applicants' fore knowledge at the time of filing the Application on the merits. Accordingly, the Court held that the Applicants' grounds in support of the Application do not constitute new evidence as envisaged under Rule 67 of the Rules and dismissed the Application for Review.

On the issue of costs, the Court observed that the parties did not make any submissions on costs. In accordance with Rule 30 of the Rules of Court, the Court decided that each party should bear its own cost.

### **Further Information**

Further information about this case, including the full text of the decision of the African Court, may be found on the website at <http://en.african-court.org/index.php/56-pending-cases-details/871-app-no-005-2015-thobias-mango-and-another-v-united-republic-of-tanzania-details> . For any other queries, please contact the Registrar by email to [registrar@african-court.org](mailto:registrar@african-court.org) .

*The African Court on Human and Peoples' Rights is a continental court established by African countries to ensure the protection of human and peoples' rights in Africa. The Court has jurisdiction over all cases and disputes submitted to it concerning the interpretation and application of the African Charter on Human and Peoples' Rights and any other relevant human rights instrument ratified by the States concerned. For further information, please consult our website at [www.african-court.org](http://www.african-court.org).*