



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 013/2015

Georgia J. Pennessis v. The United Republic of Tanzania

SUMMARY OF THE FACTS

1. The Applicant is a citizen of the United Republic of Tanzania residing in Greece.
2. She wrote to the Court on 10 May 2015, on behalf of her grandson Mr. Robert John Penessis who had been arrested and detained in a Tanzania prison for "illegal presence" in Tanzania. According to her, her grandson is Tanzanian by birth and descent like her and all their parents.
3. Mr. Penessis has been detained since 7 January 2013 for lack of entry visa and is still in prison detention.
4. She has sued Tanzania Government.

COMPLAINT

5. The Applicant alleges that the arrest and detention of her grandson is illegal and contrary to the Tanzanian Constitution, the Protocol 1 to the Geneva Convention (Rule 59.1) and the Geneva Convention (Rules 1 to 4).

PRAYERS TO THE COURT

6. The Applicant prays the Court to assist in the procedure to have her grandson released.

RESPONDENTS'S PLEADINGS

7. The Respondent submits that it is clear from the evidence produced before the local Courts that the Applicant is not a Tanzanian, but a citizen of South Africa and United Kingdom.
8. The Respondent further states that section 6(4) (a) of the Tanzanian Citizenship (Act Cap 357 R.E 2002) does not allow for dual citizenship.
9. Based on that for the Respondent State, if the Mr. Penessis's visa had expired and he had failed to get a resident permit then he ought to have left the Country.
10. The Respondent State further states that the nationality and citizenship of Mr. Penessis was concluded and finalized by the High Court and the Court of Appeal of the Respondent State.
11. The Respondent State prays the Court to order the following:
 - i. That this Court lack jurisdiction to consider the matter and the Application should be dismissed.
 - ii. That the Application has not evoked the jurisdiction of the Court
 - iii. That the Application should be declared inadmissible as it has not met the admissibility requirement under Rule 40(5) of the Rules of the Court.
 - iv. That the Application be declared inadmissible as it has not met the admissibility requirements under Rule 40(6) of the Rules of the Court.
 - v. That Mr. Penessis is also known as John Robert Penessis; Robert John Maitland; John Robert Maitland and also knows as Robert John Rubenstein.
 - vi. That Mr. Penessis is not a citizen of the United Republic of Tanzania
 - vii. That Mr. Penessis is a dual citizen of South Africa as well as Great Britain and Ireland.
 - viii. That the Prosecution proved its case against Mr. Penessis beyond reasonable doubt in Criminal case No. 35 of 2010.
 - ix. That the conviction and sentence in Criminal Case No. 35 of 2010 was lawful.
 - x. That all aspects of the prosecution of Criminal Case No. 35 of 2010, Criminal Appeal No. 9 of 2011 and Criminal Appeal No. 179 of 2011 were conducted lawfully.
 - xi. That the Deportation Order issued against Mr. Penessis is lawful
 - xii. That the Detention Order issued against Mr. Penessis is lawful
 - xiii. That the Government of the United Republic of Tanzania has not violated Mr. Penessis right to liberty
 - xiv. That the Government of the Republic of Tanzania has not violated Mr. Penessis's right to be heard.
 - xv. That the Government of the Republic of Tanzania has not violated Mr. Penessis right to defend himself.
 - xvi. That the application be dismissed in accordance with Rule 38 of the