

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

APPLICATION NO. 040/2020

ABDUL OMARY NONDO

V.

THE UNITED REPUBLIC OF TANZANIA

CASE SUMMARY

I. THE PARTIES

1. The Applicant is a national of Tanzania, who is a chairman of the youth wing of the Alliance for Change and Transparency (ACT) Wazalendo political party. He is represented by Advocate Jebra Kambole. His Application is filed against the United Republic of Tanzania.

II. SUBJECT OF THE APPLICATION

A. FACTS OF THE MATTER

2. The Respondent State's Constitution contains Article 74(1) which establishes a National Electoral Commission which comprises of members appointed by the President and yet according to the Applicant, Article 74(7) of the Respondent State's Constitution guarantees the independence of the same institution.
3. Article 74(3) of the Respondent State's Constitution provides for persons who are ineligible for appointment to the Electoral Commission but according to the Applicant that it does so in a narrow sense.
4. Article 74(5) of the Respondent State's Constitution provides that the President of the Respondent State may remove a member of the Electoral Commission due to various reasons which the Applicant considers "absurd".
5. Article 74(14) of the Respondent State's Constitution prohibits "persons concerned with the conduct of elections" from joining any political party but maintains their right to vote which the Applicant also finds "absurd".

B. ALLEGED VIOLATIONS

6. The Applicant alleges:
 - i. Violation of Article 1,3 and 13(1) of the Charter;
 - ii. Violation of Article 21 of the UDHR; and
 - iii. Violation of Article 25(a) and (b) of the ICCPR.

III. PRAYERS OF THE APPLICANT

7. The Applicant prays the Court to find/order that :

- i. The Respondent by having Article 74(1),(3),(5) and (14) is in violation of Articles 1, 3, 13(1) and (2) of Charter and other international instruments.
- ii. The Respondent amend its constitutional and legal framework and align it with the Charter to allow formation of independent of National Election Commission (sic) and Zanzibar Election Commission within 18 months from the date of issuance of judgment.
- iii. The Respondent reports to the Honourable Court, every twelve (12) months from date of the judgment issued by the Honourable court, on the implementation of this judgment and consequential orders until the judgment of the Court is fully implemented.
- iv. An order directed to the Respondent to publish the judgment of the court on her Official website in both English and Kiswahili at her won costs and the same to remain available for a period of one (1) year from the date the judgment is published.
- v. Make an order that Respondent put in place Civic education campaigns/specific programs that will create awareness to the general public of the consequences of the judgment of the Court.
- vi. The Respondent to pay the Applicant's costs.
- vii. Any other remedy and/or relief that the Honourable Court will deem (sic) to grant.