

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

**LEGAL AND HUMAN RIGHTS CENTER**

**V.**

**THE UNITED REPUBLIC OF TANZANIA**

**APPLICATION NO. 044/2020**

**CASE SUMMARY**

## **I. THE PARTIES**

1. The Legal and Human Rights Centre (hereinafter referred to as the “Applicant”) is a Tanzania based Non-Governmental Organization with observer status number 244 before the African Commission on Human and Peoples’ Rights, that seeks to promote internationally recognized human rights norms and standards in Tanzania. The Application is filed against the United Republic of Tanzania (hereinafter referred to as the “Respondent State”).

## **II. SUBJECT OF THE APPLICATION**

### **A. Facts of the Matter**

2. This Application challenges the mode of appointment, security of tenure, and overall independence of the judiciary in the Respondent State. Specifically, the Applicant submits that the provisions of the Constitution of the Respondent State that regulate these matters leaves the judiciary open to undue interference by other parties, including most notably the President of the Respondent State.

### **B. Alleged Violations**

3. The Applicant alleges the violation of:
  - i. Articles 1 (*Obligations of Member States*), 3 (*Right to Equality before the Law and Equal Protection of the Law*) and 26 (*State Duty to guarantee Independence of the Courts*) of the African Charter on Human and Peoples’ Rights (hereinafter referred to as the “Charter”);
  - ii. Article 11 of the Universal Declaration on Human Rights (hereinafter referred to as the “UDHR”);
  - iii. Article 14 of the International Covenant on Civil and Political Rights (hereinafter referred to as the “ICCPR”); and

- iv. United Nations Basic Principles on the Independence of the Judiciary of 1985 (hereinafter referred to as the “UN Independence of the Judiciary Principles”).

### **III. PRAYERS OF THE APPLICANT**

4. The Applicant prays the Court to:

- i. Find that Articles 109(1), 109(8), 110A, 112, 118 and 120A of the Constitution of the Respondent are in violation of Articles 1, 3 and 26 of the Charter, Article 11 of the UDHR, Article 14 of the ICCPR and the UN Independence of the Judiciary Principles;
- ii. Order the Respondent to put in place constitutional and legislative measures to guarantee the rights provided for under Articles 1, 3 and 26 of the Charter and other international human rights instruments;
- iii. Order the Respondent State to report to the Court within a period of twelve (12) months from the date of the judgment on the implementation of this judgment and consequential orders;
- iv. Issue any other remedy and/or relief that the Court will deem to grant; and
- v. Order the Respondent State to pay the Applicant’s costs.