



African Court
on Human and Peoples' Rights

Arusha, Tanzania
Website: www.african-court.org
Telephone+255-732-979-509
PRESS RELEASE
JUDGMENT SUMMARY

AMIRI RAMADHANI V. UNITED REPUBLIC OF TANZANIA
APPLICATION NO. 010/2015
JUDGMENT ON REPARATIONS

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

Date of Press Release: 25 June 2021

Arusha, 25 June 2021: Today, the African Court on Human and Peoples' Rights delivered its judgment on reparations in the case of *Amiri Ramadhani v United Republic of Tanzania*.

The Applicant, Amiri Ramadhani, a Tanzanian national, was sentenced to thirty (30) years imprisonment by national courts for robbery, attempted suicide and inflicting bodily harm on his person. In an Application brought before the African Court on 11 May 2015, the Applicant alleged that the Respondent State violated his rights to a fair trial, including the right to free legal assistance. In a judgment on the merits rendered on 11 May 2018, the Court found that the Respondent State had violated the Applicant's right to free legal assistance guaranteed under Article 7(1) of the Charter and deferred its ruling on other forms of reparations. The judgment being delivered today is based on the above mentioned judgment on the merits.

In its submissions on reparations, the Applicant sought compensation for the loss of income due to the collapse of his business after his imprisonment. He also sought compensation for the disruption of his life plan and the costs incurred in connection with the proceedings before the national courts. The Applicant claims further included monetary compensation for the material damage suffered by his wife and other family members as a result of his imprisonment.

In response to these claims, the Respondent State averred that the Court's judgment on the merits was sufficient reparation, and prayed the Court to reject all the claims for lack of evidence.

On pecuniary reparations, the Court dismissed the claims related to loss of income and life plan on the ground that the violation of the Applicant's right to free legal assistance did not ultimately affect his conviction, sentencing and imprisonment. The Court also declined to grant reparation for the costs incurred in the proceedings before domestic courts on the ground that the finding of violation of the right to free legal assistance does not exonerate the Applicant from the onus of proving the alleged loss.

With respect to moral damage, the Court found that the Applicant had suffered prejudice as a result of the violation found on the merits and awarded him the amount of Tanzanian Shillings Three Hundred Thousand (TZS 300,000). Conversely, the Court dismissed claims made by the Applicant for moral damage suffered by members of his family as the prayers were based on his imprisonment, which the Court did not find to be in breach of any of his rights.

On non-pecuniary reparations, the Applicant prayed the Court to order restitution, non-repetition of the violation, publication of the judgment, report on implementation as well as the costs and other expenses related to proceedings before this Court. The Court dismissed the prayer for restitution given that the violation found of the right to free legal assistance had been remedied and the Applicant need therefore not be returned to a situation prior to the violation. The Court also declined the prayer for non-repetition as irrelevant to the situation of the Applicant and other potential victims given that the Respondent State had enacted a Legal Aid Act in 2017, which is the year before the judgment on the merits was rendered. With respect to the publication of the judgment, the Court found that it is not warranted given that the Respondent State had enacted a Legal Aid Act and the Court had ordered publication of judgments in several previous cases against the Respondent. The prayers for costs incurred in the proceedings before the Court were also dismissed on the grounds that the Applicant obtained pro bono assistance before this Court and did not provide evidence in support of other costs and expenses. On costs, the Court decided that each party shall bear its own costs.

The Court ordered the Respondent State to pay the amount Tanzanian Shillings Three Hundred Thousand (TZS 300,000) awarded within six (6) months of delivery of the present judgment, and to report on implementation of the decision within the same time line.

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 <https://www.african-court.org/cpmt/details-case/0102015>

For any other queries, please contact the Registry by email registrar@african-court.org

The African Court on Human and Peoples' Rights is a continental court established by African Union Member States 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.