


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
<p style="text-align: center;"><b>AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES</b></p>		

**ALMAS MOHAMED MUWINDA, SYLVESTER  
ZANGANYA, MARGRET MHANDO & 56 OTHERS**

**V.**

**UNITED REPUBLIC OF TANZANIA**

**APPLICATION NO. 030/2017**

**CASE SUMMARY**

## **I. THE PARTIES**

1. Almas Mohamed Muwinda, Sylvester Zanganya, Margret Mhando and 56 others (hereinafter referred to as “the Applicants”), are all Tanzanian nationals. The Applicants bring this action claiming a violation of their right to work due to the Respondent State’s failure/refusal to pay them subsistence allowances following their retrenchment by a publicly owned corporation, Urafiki Textile Mills, in 1997. The Applicants also allege a violation of their right to non-discrimination.

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

### **A. Facts of the matter**

2. According to the Applicants, notwithstanding the fact that the Respondent State dissolved Urafiki Textile Mills by a notice published in the Gazette on 21 March 1997, their terminal benefits were not paid immediately. The Applicants further allege that the payment of their terminal benefits was only finalized in March 1998. The Applicants thus claim for the payment of subsistence allowance for the time they were jobless while waiting for the payment of their terminal benefits.

### **B. Alleged violations**

3. The Applicants allege that they were employed on permanent and pensionable basis by Urafiki Textile Mills. Thereafter, the Government of the United Republic of Tanzania unilaterally decided to dissolve the Urafiki Textile Mills and retrenched the Applicants and vested the payments of retrenchment/ termination rights to the Treasury of the United Republic of Tanzania.

4. The Applicants allege that the Respondent did not pay their terminal benefits immediately and they claim subsistence allowance for the period they were waiting for the payment of their benefits.
  
5. The Applicants allege that it is the legal right of the employees that they ought to be paid subsistence allowance while awaiting to be repatriated to their place of domicile.

**iii. APPLICANTS' PRAYERS**

6. The Applicants pray the Court to order that:
  - (a) They be paid their subsistence allowance for the whole period they were awaiting to be repatriated to their place of domicile.
  - (b) Interest should be paid on all sums due to them at the commercial rate.
  - (c) Costs of this Application be provided for.