

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		

AJAYE JOGOO

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO. 014/2018

CASE SUMMARY

I. PARTIES

1. The Applicant, Ajaye Jogoo is of Mauritian nationality and is currently living in Mauritius following his deportation from Zanzibar after he was arrested as an illegal immigrant. He alleges the violation of his rights in relation to conduct of the national authorities in Zanzibar.
2. The Application is filed against the United Republic of Tanzania (hereinafter referred to as “the Respondent State”), which became a Party to the African Charter on Human and Peoples’ Rights (hereinafter referred to as “the Charter”) on 21 October 1986 and to the Protocol on 10 February 2006. Furthermore, the Respondent State, on 29 March 2010, deposited the Declaration prescribed under Article 34(6) of the Protocol, through which it accepted the jurisdiction of the Court to receive applications from individuals and NGOs (hereinafter referred to as “the Declaration”). On 21 November 2019, the Respondent State deposited, with the African Union Commission an instrument withdrawing the said Declaration.

II. SUBJECT OF THE APPLICATION

A. Facts of the matter

3. The Applicant alleges that in 1999, the Minister of Economic Planning of Zanzibar made a public expression of interest inviting Mauritian companies to invest in Zanzibar.
4. The Applicant states that he submitted a project to the National Development Cooperation (NDU) in the mainland of Tanzania and the NDU requested the Immigration of Zanzibar to legalise their stay to proceed with the Kibaha project.
5. The Applicant alleges that the Regional Director of Kibaha used the office of one Grace Kadolo to ask for USD 500,000 so that the land could be released to the

Applicants and they refused this offer. Upon refusing this offer the Applicant alleges that the joint venture agreement was cancelled and he was deported to Kenya.

6. The Applicant alleges that upon return to Zanzibar his assets and family were not there and he was imprisoned and later deported with a Prohibited Immigrant (PI) status on his passport.
7. The Applicant alleges that when he was arrested as an illegal immigrant he was taken to Court where he was released on bail. He alleges that the Court case was held in Swahili and he did not understand the language.
8. The Applicant also alleges that his passport and family were held by the Immigration Office in Kibaha during his arrest and court case.
9. The Applicant alleges that the Respondent State did not inform him of the outcome of the Court case since 2004 and that his request for a short waiver to come back to Tanzania and appeal the decision of the Court case has never been granted.
10. The Applicant further alleges that the Zanzibar Court and immigration called him destitute and held his equipment in a bonded warehouse.
11. The Applicant avers that his family's passports were illegally held by the immigration office in Tanzania as they were bona fide investors duly approved by TIC. He also submits that he was separated from their families after the deportation period.

B. Alleged violations

12. The Applicant alleges the violations of the following:
 - a) Right to a fair trial protected under Article 7 of the African Charter on Human and Peoples' Rights (Charter) and 14 of the International Covenant on Civil and Political Rights (ICCPR);
 - b) Right to Access of information under Article 9 of the Charter and 19 of the ICCPR;

- c) Right to non-discrimination protected under Article 2 of the Charter;
- d) Right to equality before the law protected under Article 3 of the Charter;
- e) Right to physical and mental health protected under Article 16 of the Charter; and 12 of the International Covenant on Economic, Social and Cultural Rights;
- f) Right to property protected under Article 14 of the Charter.

III. APPLICANT'S PRAYERS

13. The Applicant prays the Court:

- a. To declare that his right to a fair trial has been violated by the Tanzania government.
- b. The Applicant also makes the following prayers:
 - i. That the Court waive the Prohibited Immigrant status issued to the Applicant in 2002
 - ii. The Court should direct that the Applicant's equipment held in a bonded warehouse in Zanzibar be released to them
 - iii. The Respondent pay the Applicant for lost income pegged at US\$100 Million together with interest and costs