

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		

**CHACHA JEREMIAH MURIMI & 2 OTHERS**

**V.**

**THE UNITED REPUBLIC OF TANZANIA**

**CONSOLIDATED APPLICATIONS NO. 039,040,041/2019**

**CASE SUMMARY**

## **I. THE PARTIES**

1. Messrs Chacha Murimi, Methew Daud and Paschal Ligoye (Hereinafter referred to as “First Applicant” “Second Applicant” and “Third Applicant”) respectively are nationals of the United Republic of Tanzania, who at the time of the filing of their Application were on death row at Butimba prison having been convicted of murder and sentenced to death before the High Court of Tanzania sitting at Mwanza.
2. The Respondent State 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 to the African Charter on Human and Peoples’ Rights on the Establishment an African Court on Human and Peoples’ Rights on 10 February 2006. It deposited the Declaration prescribed under Article 34(6) of the Protocol on 29 March 2010. On 21 November 2019, the Respondent State deposited, with the Chairperson of the African Union Commission, an instrument withdrawing its Declaration. The Court held that this withdrawal has no bearing on pending cases, and new cases filed before the withdrawal came into effect, one year after its filing, that is, on 22 November 2020.

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

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

3. It emerges from the record that On 26 June 2009, the Applicants jointly murdered one Aron s/o Nongo. Also, that the wife of the deceased who was in the house at the time of the commission of the crime, identified the Second Applicant as one of the killers. Subsequently, the First and Second Applicants tried to sell the body parts of the deceased “for 200 million shillings” and PW6 who was an undercover police officer, set a trap by posing as a buyer. The transaction was agreed to be carried out on 19 July 2009 and that is the date that the First and Second Applicants were arrested. During their interrogation, the First and Second Applicants confessed during interrogation to killing the deceased and implicated other persons too who had taken part in the crime and stated that they were at a witch doctor’s

house in Mahina village. Pursuant to that information, the Third Applicant was arrested at a witch doctor's house.

4. On 18 June 2012, the Applicants were charged of murder. They were subsequently convicted of the offence and sentenced to death by hanging on 16 October 2015.
5. Dissatisfied with the conviction and sentence, the Applicants appealed, on 14 September 2018, to the Court of Appeal of Tanzania sitting at Mwanza and their appeal was dismissed on 4 April 2019 for lack of any merit.

## **B. ALLEGED VIOLATIONS**

6. The Applicants allege the violation of Articles 3, 5, 7(1)(a) and (c) of the Charter in relation to the proceedings in the domestic courts.

## **III. PRAYERS OF THE APPLICANTS**

7. The Applicants pray the Court to find in their favour, quash their conviction and sentence and set them free.