

JUDGMENT SUMMARY

JOHN MARTIN MARWA v. UNITED REPUBLIC OF TANZANIA

APPLICATION NO. 021/2017

RULING ON JURISDICTION AND ADMISSIBILITY

22 SEPTEMBER 2022

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

Arusha, 22 September 2022: The African Court on Human and Peoples' Rights (the Court) delivered a Ruling in the case of *John Martin Marwa v. United Republic of Tanzania*.

John Martin Marwa (the Applicant) is a national of the United Republic of Tanzania (the Respondent State) and a schoolteacher. At the time of filing the Application, he was serving a sentence of thirty (30) years' imprisonment having been convicted of the offence of rape of an eighteen (18) year-old student. The Applicant alleged that the Respondent State violated his right not to be discriminated against protected under Article 2 of the Charter; his right to equality before the law and equal protection of the law protected under Article 3(1) and (2) respectively of the Charter; and his right to have his cause heard protected under Article 7(1) of the Charter.

On reparations, the Applicant prayed the Court to restore justice where it was overlooked, quash both the conviction and the sentence of thirty (30) years' imprisonment imposed upon him and order his release from prison. He further prayed the Court to grant any other orders that may be appropriate in the circumstances.

The Respondent State did not file any submissions in this Application and therefore the Court decided, in the interest of justice, to issue a Ruling in default.

Having found that its jurisdiction was not in contention, the Court held that it had material, personal, temporal and territorial jurisdiction.

On the admissibility of the Application, in particular, when considering whether the Application was filed within a reasonable time, the Court considered that although the Applicant was, at the material time, incarcerated, he had not provided the Court with compelling arguments and sufficient evidence to demonstrate that his personal situation prevented him from filing the Application in a more timely manner.



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In view of the foregoing, the Court found that the filing of the Application within six (6) years and twelve (12) days after exhaustion of local remedies was not a reasonable time within the meaning of Article 56(6) of the Charter and as restated in Rule 50(2)(f) of the Rules.

Having found that the Application had not satisfied the requirement in Rule 50(2)(f) of the Rules, the Court declared the Application inadmissible as the conditions of admissibility of an Application filed before it are cumulative, such that if one condition is not fulfilled then the Application becomes inadmissible.

The Court ordered that each Party should bear its own costs.

Justice Chafika BENSAOULA issued a Dissenting Opinion.

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/0212017>

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.