

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		

APPLICATION NO. 013/2018

EMMANUEL YUSUFU NORIEGA (APPLICANT)

VS

UNITED REPUBLIC OF TANZANIA (RESPONDENT STATE)

CASE SUMMARY

I. THE PARTIES

1. On the 21 May 2018, Emmanuel Yusufu aka “Noriega” (hereinafter referred to as the Applicant) filed an Application at the Court against the United Republic of Tanzania (hereinafter after referred to as the Respondent State).

II. SUBJECT OF THE APPLICATION

A. Facts of the Matter

2. The Applicant was charged and convicted of the offence of murder contrary to Section 196 of the Penal Code, CAP 16 R.E. 2002. Following this, he was arrested, tried and sentenced to death by hanging.
3. Being dissatisfied with the conviction and sentence of the High Court of Tanzania in *Criminal Case No. 34 of 1997*, the Applicant appealed the decision of the High Court of Tanzania to the Court of Appeal of Tanzania in *Criminal Appeal No. 152 of 2005* where his appeal was dismissed in its entirety on the basis of lack of merit. Dissatisfied with the findings of the Court of Appeal of Tanzania, the Applicant made an Application for Review of the decision of the Court of Appeal of Tanzania in *Criminal Application No.9 of 2014*, where his application was found to be devoid of merits and was therefore dismissed.
4. The Application was filed at the Registry of the Court on 21 May 2018.

B. Alleged violations

5. The Applicant alleges the violation of the following rights:
 - i. Right to equality before the law as provided under Article 3 of the Charter.
 - ii. Right to be heard, not to be accorded legal representation and to be tried within a reasonable time by an impartial court or tribunal as provided under Article 7(1) (a) (c), and (d) of the Charter

III. PRAYERS OF THE APPLICANT

6. The Applicant prayed for the Court to take the following Orders:
 - a. To declare this Application admissible.
 - b. To be facilitated with free legal representation or legal assistance under Rule 31 of the Rules of the Court and Article 10 (2) of the Protocol of the Court.
 - c. To make a declaration that the Respondent violated the Applicant's rights as provided for under Article 3, 7 (1) (a), (c) and (d) of the Charter.
 - d. To grant the Applicant reparations pursuant to Article 27(1) of the Protocol to the Charter.
 - e. To grant any other legal remedy sought that the Court may deem fit in the circumstances of the Applicant's complaints.

7. The Applicant further prayed for the following Orders in respect of the Reparations:

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- a. TSH 30,000,000 (Thirty Million Tanzanian Shillings) to the Applicant for moral prejudice;
- b. An amount of TSH 20,000,000 (Twenty Million Tanzanian Shillings) payable to his mother, Zipporah Michael for moral prejudice;
- c. TSH 10,000,000 (Ten Million Tanzanian Shillings) payable to his brother, Vumilia Yusufu for moral prejudice;
- d. TSH 10,000,000 (Ten Million Tanzanian Shillings) payable to his brother, Boniface Yusufu for moral prejudice;
- e. TSH 10,000,000 (Ten Million Tanzanian Shillings) payable to his brother, Edibili Yusufu for moral prejudice;
- f. The setting aside of the death sentence imposed on the Applicant and his removal from death row;
- g. The immediate restoration of the Applicant's liberty by releases from prison;
- h. An amount to be determined by this honourable Court which it considers just to the Applicant for material prejudice suffered;

- i. An order that the above-mentioned amounts are paid tax free within three (3) months of notification of Judgment on Reparations;
- j. An amount to be determined by this honourable Court which it considers just to Emmanuel Yusufu Noriega for material prejudice suffered;
- k. An order that the Respondent reports to this Honourable Court within 6 months of the date of notification of the judgment on Merits and Reparations and every six (6) months thereafter, until such a time all Orders have been complied with;
- l. An order that the Respondent publishes the Judgment on Merits and Reparations within three (3) months of notification in both English and Swahili for a period of not less than one year, on the official website of the Judiciary and Ministry of Constitutional Affairs.
- m. Any other Orders this Honourable Court shall deem necessary.
- n. We pray that this Honourable Court applies the principle of proportionality when considering the award for compensation to be granted to the Applicant.”