

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. 038/2020

REGINA MASHAURI NYANDA

V

UNITED REPUBLIC OF TANZANIA

CASE SUMMARY

I. THE PARTIES

1. On 9 November 2020, Ms. Regina Mashauri Nyanda (hereinafter, the Applicant) filed an application at the Court against the United Republic of Tanzania (the Respondent State).

II. SUBJECT OF THE APPLICATION

A. Facts of the matter

2. It emerges from the record that the Applicant was jointly charged with three (3) others, who are not before this Court, for the offence of murder, of a woman with albinism.
3. On 15 June 2015, the High Court sitting at Mwanza convicted the Applicant and sentenced her to death by hanging.
4. Aggrieved by the decision of the High Court, the Applicant appealed against her conviction and sentence at the Court of Appeal at Mwanza, which dismissed the appeal for lack of merit on 2 May 2019.
5. The Application was filed before the Court on 9 November 2020.

B. Alleged violations

6. The Applicant alleges that:
 - i. She was wrongly convicted despite glaring mistakes in the judgments of all domestic courts that heard her case.
 - ii. Her rights were violated when she was subjected to a search by a male officer

- iii. She was sentenced to a mandatory death sentence without the domestic courts considering her personal and mitigating circumstances, this being contrary to her right to life and to dignity as provided for under the Charter.

III. PRAYERS OF THE APPLICANT

7. The Applicant prays the Court to:

- i. Review the evidence tendered in the domestic proceedings to ascertain the veracity or otherwise of the same
- ii. Find that the tendering of evidence against her was contrary to the established procedure and therefore the sentence of death pronounced against her is null and void
- iii. Compensate her for the period she has been imprisoned on the basis of a wrongful conviction
- iv. Order her release from prison