


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		

SUMMARY OF APPLICATION

BOB CHACHA WANGWE

LEGAL AND HUMAN RIGHTS CENTRE (APPLICANTS)

VS

UNITED REPUBLIC OF TANZANIA (RESPONDENT STATE)

APPLICATION No. 011/2020

I. THE PARTIES

1. Mr Bob Chacha Wangwe is a national of the United Republic Tanzania and the Legal and Human Rights is a non-governmental organisation with observer status before the African Commission on Human and Peoples' Rights – they are hereinafter jointly referred to “the Applicants”.

2. The Respondent State became 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 and deposited the Declaration required under Article 34(6) of the Protocol on 29 March 2010, by which it accepted the jurisdiction of the Court to receive cases from individuals and Non-Governmental Organizations. On 21 November 2019 it deposited with African Union Commission on Human and Peoples' Rights (Hereinafter referred to as the "Commission"), an instrument of withdrawal of the said declaration. The Court has held that this withdrawal has no bearing on pending cases and new cases filed before the day on which the withdrawal took effect which was on 22 November 2020, being a period of one year after its deposit.

II. SUBJECT OF THE APPLICATION

A. Facts of the Matter

3. The Applicants challenge the provisions of the National Elections Act and they claim that the Respondent State, by enacting and implementing the impugned provisions, violated numerous rights including the right to equality before the law ; the citizen's right to participate freely in the government of his country, either directly or through freely chosen representative, the right to vote and be elected at genuine periodic election and the right to equal access to public.

B. Alleged violations

4. The Applicants allege that the Respondent State has violated fundamental rights guaranteed in article(s) 1, 13 (1), 21 (1) and (3); 25 (2) & 26; 21 (1) & 21 (2). 74 (14) of the Charter, the Universal Declaration of Human Rights, 1948 (hereinafter referred to as "the UDHR), International Covenant on Civil and Political Rights, 1966 (hereinafter referred to as "the ICCPR) and the Constitution of the United Republic of Tanzania, respectively.

III. Prayers of the Applicants

5. The Applicants pray the court to declare and order as follows:

i. That, the Respondent State, by enacting the impugned provisions, has violated Article 1, 3 and 13 (1) of the Charter.

ii. The Respondent State, by enacting the impugned provisions, has violated Article 25 (a) and (b) and 26 of ICCPR and article 21 (1) and (3) of UDHR.

iii. That, the Respondent State puts in place constitutional and legislative measures to guarantee the rights provided for under Article 1, 3 and 13(1) of the Charter and other international human rights instruments.

iv. That, the Respondent State to report to the Honorable Court, within a period of twelve (12) months from the date of judgment to be issued by the Hon. Court, on the implementation of this judgement and consequential orders.

v. Order the Respondent State to:

1. ... report to the Honorable Court, within a period of twelve (12) months from the date of judgment to be issued by the Hon. Court, on the implementation of this judgement and consequential orders.

2. ... pay the Applicants costs.