


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

GODFREY GABINUS ALIAS NDIMBA & 2 OTHERS (APPLICANTS)

VS

UNITED REPUBLIC OF TANZANIA (RESPONDENT STATE)

APPLICATION No. 056/2019

I. THE PARTIES

1. Godfrey Gabinus, Alias Ndimba, and two others (hereinafter referred to as "the Applicants") are all nationals of the United Republic of Tanzania (hereinafter referred to as "the Respondent State"). The Applicants bring this Application alleging the violation of their right to a fair trial.
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 to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (hereinafter referred to as "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 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 were sentenced to death by hanging for having committed the offence of murder contrary to the Section 196 of Respondent State's Penal Code. The victim (Zainabu Chikawe) was allegedly murdered by the Applicants who accused her for having killed Joseph Farahani by witchcraft acts.

B. Alleged violations:

4. The Applicants allege that the Respondent State has violated their fundamental rights guaranteed in article 7 of the Charter due to the following reasons:
 - i. They have been convicted without following the law.
 - ii. They have not been involved in the commission of the said allegation.
 - iii. They have not been given a chance to cross-examination during the trial.
 - iv. The post-mortem examination report was a forged document since it failed to comply with the law.

- v. They have been convicted relying on family members witnesses against the law since their evidence was not supported by a non-family member's witness.

III. Prayers of the Applicant

- 5. The Applicants prays the court to:
 - i. Order [their] release after that this Hon. Court shall ... see that [their] human rights were violated".