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. 066/2019

SONG LEI

VS

UNITED REPUBLIC OF TANZANIA

CASE SUMMARY

I. THE PARTIES

1. On 17 December 2019, Mr. Song Lei (hereinafter referred to as "the Applicant"), a national of the People's Republic of China, who is imprisoned at Ukonga Central Prison, Dar Es Salaam, filed an application at the African Court on Human and Peoples' Rights (hereinafter referred to as the "Court") against the United Republic of Tanzania (hereinafter referred to as the "Respondent State").

II. SUBJECT OF THE APPLICATION

A. Facts of the Matter

2. On 6 November 2015, the Applicant was arrested together with three other Chinese men when they passed the border from Malawi to Tanzania by car at Kasumulu in Mbeya Region.

3. The border police found eleven (11) pieces of rhinoceros horns valued at 418.000,00 USD in a secret compartment of the car.

4. The Applicant who is the owner of the car, together with three other Chinese men were charged in the Magistrate's Court with three counts under the Economic and Organized Crime Control Act Cap 200 RE: 2002 and the Wildlife Conservation Act No. 5 of 2009 for: (i) "leading organized crime", (ii) "unlawful dealing in trophies", and (iii) "unlawful possession of government trophy".

5. On 17 December 2015, all four Chinese men were convicted as charged and sentenced, on the first count, to 15 years of imprisonment; on the second count, to a fine of USD 836,000.00 (twice the value of the trophies) or three years of imprisonment, and on the third count, to twenty years of imprisonment and a fine of USD 4,180,000.00 (ten times the value of the trophy).

6. On 3 February 2016, they appealed against the conviction and sentence to the High Court of Tanzania at Mbeya.

7. On 8 November 2016, the High Court of Tanzania acquitted the three other Chinese men on all three counts but upheld the second and third count against the Applicant. The Applicant and the Director of Prosecutions of Tanzania appealed against the decision of the High Court to the Court of Appeal of Tanzania.

8. On 12 February 2018, the Court of Appeal of Tanzania made an order to consolidate the two appeals.

9. On 30 August 2019, the Court of Appeal dismissed both the appeal from the Applicant as well as the appeal from the Director of Public Prosecutions.

10. The Application was filed before this Court on 17 December 2019.

B. Alleged violations

11. The Applicant alleges the violation of the following rights:
    i. Article 3(1) (Right to Equality before the Law), Article 3(2) (Right to Equal Protection of the Law) of the African Charter on Human and Peoples' Rights (hereinafter referred to as the "Charter");
    ii. Article 5 (Respect of Dignity) of the Charter;
    iii. Article 7 (Right to Fair Trial) of the Charter;
    iv. Article 13 (3) of the Constitution of the United Republic of Tanzania of 1977 and Article 27(1) (Duty to Family) of the Charter.

III. PRAYERS OF THE APPLICANT

12. The Applicant prays the court to:
    i. Allow the Application;
    ii. Quash the whole proceedings of the national court which violated the Applicants human rights;
    iii. Set aside the conviction and sentence;

iv. Order the release of the Applicant from prison;
v. Order the Government of the United Republic of Tanzania to compensate the Applicant; and
vi. Allow the preparation of the “compensate documents before the court during the hearing [sic]”.