

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. 025/2018**

**BONIFANCE ALISTEDES.....APPLICANT**

**V.**

**THE UNITED REPUBLIC OF TANZANIA.....RESPONDENT STATE**

**CASE SUMMARY**

**8 NOVEMBER 2024**

## **I. THE PARTIES**

1. Mr. Bonifance Alistedes (“the Applicant”) is a Tanzanian national currently imprisoned in Butimba Central Prison in Mwanza, Tanzania. The Applicant is serving his sentence of thirty (30) years pursuant to being convicted of rape by the Resident Magistrates Court at Mwanza. The Applicant alleges violation of his right to a fair trial in relation to proceedings before domestic courts.
2. The Application is filed against the United Republic of Tanzania (hereinafter referred to as “the Respondent State”), which became a Party to the African Charter on Human and Peoples’ Rights (hereinafter referred to as “the Charter”) on 21 October 1986 and the Protocol on 10 February 2006. It deposited, on 29 March 2010, the Declaration under Article 34(6) of the Protocol (the Declaration) through which it accepted the jurisdiction of the Court to receive cases from individuals and Non-Governmental Organisations with observer status before the African Commission on Human and Peoples’ Rights (the Commission). On 21 November 2019, the Respondent State deposited, with the Chairperson of the African Union Commission, an instrument withdrawing its Declaration. The Court held that this withdrawal did not have any effect on pending cases as well as new cases filed before 22 November 2020, which is the day on which the withdrawal took effect, being a period one (1) year after its deposit.

## **II. SUBJECT OF THE APPLICATION**

### **A. Facts of the matter**

3. It emerges from the record that on the 14 September 2013, the Applicant was arrested and charged with the offence of rape, contrary to Section 130(1)(2)(e) and 131(1) of the Penal Code and sentenced to serve thirty years in prison by the Magistrates’ Court of Mwanza, Tanzania, in Criminal

Case No. 19/2014 on the 12 February 2014

4. Aggrieved with the decision of the Magistrate Court, the Applicant appealed to the High Court of Tanzania at Mwanza, which dismissed his appeal on 13 April 2016. Dissatisfied with the outcome of the High Court proceedings, he further appealed to the Court of Appeal at Mwanza, which similarly dismissed his appeal for lack of merit on 13 April 2018, and upheld the conviction and sentence in its entirety.

## **B. Alleged Violations**

5. The Applicant alleges the violation of his right to a fair trial in two respects, namely that:
  - I. He was not provided with free legal representation throughout the proceedings before the domestic courts despite the gravity of the offence with which he was charged and the weight of the sentence; and
  - II. He was sentenced and convicted for the offence of rape on the basis of evidence which was not proved beyond reasonable doubt.

## **C. APPLICANT'S PRAYERS**

6. The Applicant prays the Court to grant the following orders:
  - i. That the Court has jurisdiction over the Application;
  - ii. That the Application be ruled admissible;
  - iii. That the Respondent State violated Article 3(1), (2) and 7(c) of the African Charter;
  - iv. That the Applicant's conviction be quashed and his release from prison be ordered; and
  - v. Any other order that the Court deem just.