


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
UNIÓN AFRICANA		UMOJA WA AFRIKA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

APPLICATION NO. 001/2019

VUYO JACK

V.

THE UNITED REPUBLIC OF TANZANIA

CASE SUMMARY

I. THE PARTIES

1. The Application is filed by Mr. Vuyo Jack (herein after referred to as the “Applicant”) a national of South African.
2. The Respondent State is the United Republic of Tanzania (hereinafter referred to as “the Respondent State”).

II. SUBJECT OF THE APPLICATION

A. FACTS OF THE MATTER

1. The Applicant claims that on 18 November 2010 at Tunduma Tunduma boarder within the United of Tanzania, he and his wife were arrested while returning from South Africa and charged with the offence of Trafficking in Narcotic Drugs contrary to section 16(b)(i) of the Drugs and Preventions of Illicit Traffic in Drugs Act Cap 95 RE 2002, after drugs were found in their vehicle.
2. Furthermore, that on 18 of March 2013, he was brought before the High Court of Tanzania at Mbeya to answer after a long period of delay to answer the charge.
3. Records on file indicate that on 7 June 2016, he was convicted by the High Court of Tanzania at Mbeya Court for the Offence Trafficking in Narcotic Drugs and sentenced to serve twenty-five (25) years in prison and to pay Three Billion One Hundred Nineteen Million Seven Hundred Sixty Thousand (TZS 3,119,760,000/=). On the converse, his wife was acquitted for lack of evidence to sustain the charge against her.
4. The Applicant then filed an Applicant to the Court of Appeal at Mbeya against his conviction and sentence, but the appeal was dismissed, in its entirety for lack of merit on 12 day of December 2018.

5. Regardless, on 26 April 2023 the applicant was granted a Presidential Pardon. He alleges that despite the pardon, he is still being, detained at the Ruanda Central prison, Mbeya Tanzania by the prison authorities.
6. He then filed this Application before this Court on 9 January 2019.

B. ALLEGED VIOLATIONS

7. The The Applicant contends that the Respondent State violated his rights during the course of the trial. Specifically, the violation of:
 - i. Article 3(1) and (2) of the Charter (equality before the law);
 - ii. Article 1 of the Charter (parties to the present Charter shall recognize the rights, duties and freedoms enshrined in the Charter and shall undertake to adopt legislative or other measures to give effect to them);
 - iii. Article 5 of the Charter (the right to dignity and freedom against torture, cruel and degrading treatment);
 - iv. Article 7(1)(b) of the Charter (the right to be presumed innocent until proved guilty by a competent court or tribunal);
 - v. Article 7(1)(d) of the Charter (the right to be tried within a reasonable time by an impartial court or tribunal);
 - vi. Article 27(1) of the Charter (duty to wards the family);
 - vii. Article 7 of the International Covenant on Civil and Political Rights; and International Covenant on Economic Social and Cultural Rights; and
 - viii. Article 13(3) of the Constitution of the United Republic of Tanzania of 1977 as amended time to time.

III. PRAYERS OF THE APPLICANT

8. The Applicants prays the Court for the following orders:

- i. A Declaration that the Respondent State violated the right to dignity Article 5 of the African Charter on Human and Peoples' Rights, Article 7 of the ICCPR to which the United Republic of Tanzania is a State Party;
 - ii. A Declaration to set aside the decision of the Court of Appeal;
 - iii. A Declaration that the United Republic of Tanzania violated its obligations under Article 1 of the African Charter on Human and Peoples' Rights;
 - iv. An Order for the adoption of legislative, administrative, or other measures as may be necessary in Criminal Offences Investigations;
 - v. An Order for immediately release from Restrain by the Respondent State;
 - vi. An Order payment of reparations for the time spent in prison; and
 - vii. An Order for any other relief that the Court deems fit.
9. In his submissions on reparations, the Applicant further prays the Court to grant under Article 27 of the Protocol,
- i. His acquittal and release, from custody; and
 - ii. An order for appropriate reparations considering the duration of the period he was detained in the custody.