



AJAYE JOGOO

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO. 014/2018

RULING ON JURISDICTION AND ADMISSIBILITY

26 JUNE 2025

A DECISION OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

Arusha, 26 June 2025: The African Court on Human and Peoples' Rights (the Court) today delivered a Ruling in the case of *Ajaye Jogoo v. United Republic of Tanzania*.

Ajaye Jogoo (the Applicant), a national of the Republic of Mauritius and the Director of Cimexpan Limited, filed the Application against the United Republic of Tanzania (the Respondent State), claiming violation of his rights guaranteed under the African Charter on Human and Peoples' Rights (the Charter). The Applicant claimed that his concession contract with the Government of Zanzibar for the development of the "Nyamanzi Free Zone Park" was unlawfully revoked, leading to his deportation from Tanzania and a violation of his property rights.

The Respondent State did not participate in the proceedings, and the Court, applying Rule 63 of the Rules of Court (the Rules), had to determine whether it could proceed to dispose of the matter by default. In doing so, the Court recalled that Rule 63 of the Rules outlines three conditions that must be met for the Court to render a decision in default: first, the notification of the defaulting party; second, the default of one of the parties; and third, either a request from one of the parties for a decision in default or, in the absence of such a request, the Court may render a judgment in default in the interests of justice.



AfCHPR

African Court on Human
and Peoples' Rights

Arusha, Tanzania

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JUDGMENT SUMMARY

With respect to the notification of the defaulting party, the Court found that the Application was duly served on the Respondent State on 30 July 2021 and subsequently, all the other pleadings filed by the Applicant were transmitted to the Respondent State.

As regards the default of one of the Parties, the Court noted that the Application was served on the Respondent State on 30 July 2021 and the latter was granted 60 days to file its Response but failed to do so within the time allocated. The Court noted that subsequently, two reminders were sent to the Respondent State to file its Response but it again failed to do so. Consequently, the Court held that the Respondent State defaulted in appearing and defending the case, lastly, in the absence of a request from the Applicant, the Court, on its own volition, decided to render a ruling by default.

The Court then determined whether it had jurisdiction to hear the case. In this regard, the Court found that it had personal jurisdiction since the Respondent State is a party to the Protocol and had deposited the Declaration under Article 34(6) of the Protocol with the African Union Commission on 29 March 2010. Although the Respondent State later withdrew its Declaration on 21 November 2019, the Court reiterated that such withdrawal does not apply retroactively and only takes effect one year after the notice of withdrawal had been deposited. As the effective date of the withdrawal was 22 November 2020 and the present Application was filed on 25 July 2016, the Court held that its personal jurisdiction was established.

The Court also held that it had material jurisdiction as the Applicant had alleged violations of Articles 2, 3, 7(1), 9(1), 14, and 16 of the Charter, to which the Respondent State is a party. The Court further held that it had temporal jurisdiction, as the alleged violations which occurred between 2002 and 2017, had begun before 2006, when the Respondent State ratified the Protocol, but continued thereafter. Lastly, the Court held that it had territorial jurisdiction, given that the facts of the case occurred within the territory of the Respondent State, which is a party to both the Charter and the Protocol.



JUDGMENT SUMMARY

Based on the foregoing considerations, the Court concluded that it had jurisdiction to hear the case.

The Court then considered whether the Application was admissible. In this regard, it held that the Applicant had been clearly identified by name in fulfilment of Rule 50(2)(a) of the Rules. It also held that the claims made by the Applicant sought to protect his rights in line with Article 3(h) of the objectives of the Constitutive Act of the African Union and thus the Application was compatible with Rule 50(2)(b) of the Rules. Furthermore, the Court found that the language used in the Application was not disparaging or insulting to the Respondent State, its institutions, or the African Union in fulfilment of Rule 50(2)(c) of the Rules, and also that the Application was not based exclusively on news disseminated through the mass media in fulfilment of Rule 50(2)(d) of the Rules.

As regards the exhaustion of local remedies, the Court held that the Applicant had not provided sufficient evidence to substantiate the claim that he had an on-going case which was unduly prolonged. It further observed that the Applicant did not explain why he did not appeal the deportation order even though he had been granted bail by the District Court.

With respect to his argument that his "prohibited immigrant" status made it impossible for him to exhaust local remedies, the Court found that the Applicant had not demonstrated that he had attempted to file cases in the Respondent State through a legal representative and was denied access. Therefore, the Court held that the Applicant had failed to exhaust local remedies, and as a result, the Application did not comply with Article 56(5) of the Charter, as reflected in Rule 50(2)(e) of the Rules.

The Court held that it was not necessary to examine the requirements under Article 56(6) and 56(7) of the Charter, as the admissibility conditions are cumulative. Resultantly, the Court declared that the Application was inadmissible.



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JUDGMENT SUMMARY

Each Party was ordered to bear its own costs.

Further Information

Further information about this case, including the full text of the decision of the African Court, may be found on the website at: <https://www.african-court.org/cpmt/details-case/0142018>

For any other queries, please contact the Registry by email registrar@african-court.org.

The African Court on Human and Peoples' Rights is a continental court established by African Union Member States to ensure the protection of human and peoples' rights in Africa. The Court has jurisdiction over all cases and disputes submitted to it concerning the interpretation and application of the African Charter on Human and Peoples' Rights and any other relevant human rights instrument ratified by the States concerned. For further information, please consult our website at www.african-court.org.