

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 N0.043/2019

JOSEPH KAFUKA & ANTONY MITULA.....APPLICANTS

V.

THE UNITED REPUBLIC OF TANZANIA.....RESPONDENT

CASE SUMMARY

I. THE PARTIES

1. Joseph Kafuka and Antony Mitula (hereinafter referred to as the “Applicants”) 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”). At the time of filing the Application the Applicants were incarcerated at Lindi District Prison in Lindi, having been tried, convicted and sentenced to death for the offence of murder. They allege the violation of their rights during the proceedings before the Respondent State’s national courts.

II. SUBJECT OF THE APPLICATION

A. Facts of the matter

2. On 17 September 2009, the Applicants were arrested and charged for the offence of murder and on 19 July 2012 they were sentenced to death by hanging by the High Court of the Respondent State sitting at Iringa.
3. The Applicants been dissatisfied with the conviction and sentence from the High Court, they appealed to the Court of Appeal at Iringa in Criminal Appeal No.87 of 2014 which dismissed the appeal entirely on 21 June 2014.
4. The Application was filed before this Court on 19 August 2019.

B. Alleged Violations

5. The Applicants allege the violation of their:
 - i. Right to dignity, protected under Article 5 of the African Charter on Human and Peoples’ Rights (hereinafter referred to as the “Charter”);
 - ii. Right to have one’s cause heard, protected under Article 7(1)(c) of the Charter; and

- iii. Right to equality before the law and equal protection of the law, protected under Article 3 of the Charter.

C. Prayers of the Applicants

6. The Applicants pray the Court to order that:

- i. Their conviction be quashed;
- ii. Their death sentence be set aside;
- iii. They be released from prison; and
- iv. Costs of the proceedings be borne by the Respondent State.