

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

DECLARATION BY JUDGE DUMISA BUHLE NTSEBEZA

IN THE MATTER OF APPLICATION NO. 001/2018

TEMBO HUSSEIN

V.

UNITED REPUBLIC OF TANZANIA

JUDGMENT OF 26 JUNE 2025

Pursuant to Rule 70(3) of the Rules of Court, read together with Article 28(7) of the Protocol, I declare that I disagree with the majority in their judgment on capital punishment on the following bases:

- 1) Capital Punishment is not only a clear violation of Article 5 of the African Charter on Human and Peoples' Rights in relation to the method of execution by hanging as implemented by the Respondent State. It, in and of itself, violates Article 5 of the Charter because it is an inherently cruel, degrading and inhuman treatment or punishment.
- 2) Its imposition has a potential for error.
- 3) It is irreversible.
- 4) it has no demonstrable deterrent effect.
- 5) Its discriminatory application undermines the fundamental principles of human rights, justice and equality.

Signed:

Judge Dumisa Buhle NTSEBEZA

Done at Arusha, this Twenty Sixth Day of June in the year Two Thousand and Twenty-Five the English text being authoritative.

