


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		

**THE MATTER OF**

**CHACHA JEREMIAH MURIMI AND OTHERS**

**V.**

**UNITED REPUBLIC OF TANZANIA**

**APPLICATION NOS. 039/2019, 040/2019 & 041/2019**  
**(CONSOLIDATED APPLICATIONS)**

**ORDER**  
**(REOPENING OF PLEADINGS)**

**2 DECEMBER 2025**



**The Court composed of:** Chafika BENSOUALA, Vice President; Rfaâ BEN ACHOUR, Suzanne MENGUE, Tujilane R. CHIZUMILA, Blaise TCHIKAYA, Stella I. ANUKAM, Dumisa B. NTSEBEZA, Dennis D. ADJEI, Duncan GASWAGA – Judges; and Grace W. KAKAI, Deputy Registrar.

In accordance with Article 22 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (hereinafter referred to as "the Protocol") and Rule 9(2) of the Rules of Court (hereinafter referred to as "the Rules"), Justice Imani D. ABOUD, President of the Court, and a national of Tanzania, did not hear the Application.

In the matter of

Chacha Jeremiah MURIMI, Methew Jeremiah DAUD and Paschal Ligoye MASHIKU

*Represented by*

Advocate David SIGANO, Chief Executive Director, East Africa Law Society

*Versus*

UNITED REPUBLIC OF TANZANIA

*Represented by:*

- i. Dr. Ally POSSI, Solicitor General, Office of the Solicitor General;
- ii. Ms Alice MTULO, Deputy Solicitor General, Office of the Solicitor General; and
- iii. Mr. Mark MULWAMBO Ag. Director, Civil Litigation, Principal State Attorney Office of the Solicitor General.

After deliberation,

*Issues the present Order.*

## I. THE PARTIES

1. Chacha Jeremiah Murimi, Methew Jeremiah Daud and Paschal Ligoye Mashiku (hereinafter referred to as “the First Applicant,” “the Second Applicant,” and “the Third Applicant” respectively or “the Applicants” jointly”), are Tanzanian nationals who, at the time of filing the Application, were incarcerated at Butimba Central Prison, Mwanza, having been convicted of murder and sentenced to death. They allege violation of their rights on the basis of the proceedings before the 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 to the Protocol on 10 February 2006. Furthermore, the Respondent State, on 29 March 2010, deposited the Declaration prescribed under Article 34(6) of the Protocol (hereinafter referred to as “the Declaration”), through which it accepted the jurisdiction of the Court to receive applications from individuals and Non-Governmental Organisations. On 21 November 2019, the Respondent State deposited an instrument withdrawing its Declaration with the Chairperson of the African Union Commission. The Court held that this withdrawal has no bearing on pending and new cases filed before the withdrawal came into effect, that is, one year after its deposit, which is on 22 November 2020.<sup>1</sup>

## II. SUBJECT MATTER OF THE APPLICATION

3. It emerges from the record that, on 26 June 2009, at Ibanda village, the Applicants jointly murdered one Aron Nongo, who was a person with albinism, by using a *machete*. On 19 July 2009, the Applicants were arrested, and charged with murder, on 28 July 2009, before the High Court

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<sup>1</sup> *Andrew Ambrose Cheusi v. United Republic of Tanzania* (judgment) (26 June 2020) 4 AfCLR 219, §§ 37-39.

of Tanzania sitting in Mwanza. Subsequently, they were convicted and sentenced to death on 16 October 2015. Dissatisfied with the conviction and sentence, the Applicants filed an appeal to the Court of Appeal of Tanzania sitting at Mwanza, which dismissed the appeal on 4 April 2019 for lack of merit.

### **III. SUMMARY OF THE PROCEDURE BEFORE THE COURT**

4. On 7 August 2019, the Applicants filed their Application Nos 039/2019, 040/2019 and 041/2019 individually. On 21 August 2019, the above applications were served on the Respondents State. On 11 November 2025, the pleadings were closed and the Parties were notified.
5. On 20 November 2025, the Respondent State filed a request for the Court to reopen the pleadings and grant it leave to file its Response, out of time. The above-mentioned request was transmitted, on 20 November 2025, to the Applicants, for their observations within 15 days.
6. On 25 November 2025, the Applicants informed the Court that they had no objection to the Respondent State's pleadings being filed out of time.

### **IV. ON THE REOPENING OF PLEADINGS**

7. The Respondent State prays the Court for leave to file out of time. In this regard, it submits that its delay was neither deliberate nor occasioned by negligence.
8. It contends further that, the delay was rather occasioned by the need to source for information from a wide range of stakeholders especially as the Application concerns the killing of a person with albinism. The Respondent State therefore prays in accordance with Rule 46(3) of the Rules, for the

Court, in the interest of justice, to reopen the pleadings and grant it leave to file its Response, out of time.

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9. Rule 46(3) of the Rules provides that “the Court has the discretion to determine whether or not to reopen pleadings”. Furthermore, Rule 90 of the Rules stipulates that “[n]othing in these Rules shall limit or otherwise affect the inherent power of the Court to adopt such procedure or decisions as may be necessary to meet the ends of justice.”
10. Consequently, by virtue of its discretionary power mentioned above and with the aim of proper administration of justice, the Court grants the request of the Respondent State to reopen the pleadings and consider that, their submissions filed on 20 November 2025 to have been duly filed and be transmitted on the Applicants for their Reply thereto, if any, within 45 days.

## **V. OPERATIVE PART**

11. For these reasons:

THE COURT,

*By a majority of Eight for, and One against*

- i. *Orders that the pleadings in Consolidated Application nos. 039-040-041/2019 – Chacha Jeremiah Murimi and others v. United Republic of Tanzania are reopened;*
- ii. *Orders that the Respondent State’s submissions filed on 20 November 2025 are deemed to have been duly filed and be transmitted to the Applicants, for their Reply thereto, if any, within 45 days.*

**Signed:**

Chafika BENSAOULA, Vice-President,



and Grace W. KAKAI, Deputy Registrar.



In accordance with Article 28(7) of the Protocol, and Rule 70(1) of the Rules, the Dissenting Opinion of Justice Rafaâ BEN ACHOUR is appended to this Order.

Done at Arusha, this Second Day of the Month of December in the Year Two Thousand and Twenty-Five, in English and French, the English text being authoritative

