

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
<p style="text-align: center;">AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES</p>		

SEIF SHARIF HAMAD & 6 OTHERS

V.

THE UNITED REPUBLIC OF TANZANIA

APPLICATION NO. 046/2020

CASE SUMMARY

I. THE PARTIES

1. Mr. Seif Sharif Hamad (First Applicant), was a Presidential candidate in Zanzibar for the Alliance for Change and Transparency Wazalendo party (ACT Wazalendo party) during the 2020 elections. Mr. Ado Shaibu (Second Applicant) is the Secretary General of the ACT Wazalendo party. Mr. Ezekiah Dibogo Wenje (Third Applicant) was a contestant for a Parliamentary seat of Rorya Constituency, Tanzania. Mr. Omar Mussa Makame (Fourth Applicant) was a contestant for the “House of Representative in Kwahani Constituency”, Tanzania. Ms. Dorah Seronga Wangwe (Fifth Applicant) and Mr. Enock Weges Suguta (Sixth Applicant) are registered voters in Tanzania Mainland while Mr. Kassim Ali Haji (Seventh Applicant) is a registered voter in Zanzibar. All the Applicants are nationals of the Respondent State, the United Republic of Tanzania.

II. SUBJECT OF THE APPLICATION

A. FACTS OF THE MATTER

2. It emerges from the Application that on 21 July 2020, the National Elections Commission (NEC) and the Zanzibar Electoral Commission (ZEC) which organise and supervise the conduct of the elections in Tanzania mainland and Zanzibar, announced that 28 October 2020 would be the date of local, parliamentary and presidential elections.
3. That preceding, during and immediately after the elections, the Respondent State through its agents namely NEC,ZEC, the Tanzania Police Force, Tanzania Intelligence and Security service, Tanzania Peoples Defence Force, Tanzania Broadcasting corporations, Ministry of Information, Culture, Arts and Sports, Ministry for Regional Administration and Local Government, Ministry for Regional Administration, Local Government and Special Forces engaged in multiple acts that violated the rights of the Applicants to participate in the elections as citizens of the Respondent.

4. The alleged violations attributed to NEC and ZEC involved, unilateral appointment of commissioners to NEC and ZEC by one party, “blatant and egregious discrimination on political grounds” against the Applicants and other electoral malpractices.
5. With respect to the Tanzania Police Force, the Applicants have submitted that they were discriminatory against the Applicants, violence and torture, unlawful and arbitrary intimidation, threats, arrest and detention.
6. That cumulatively, the actions of the Respondent State had the effect of curtailing the rights of the Applicants as candidates and registered voters to campaign and exercise their rights to participation guaranteed under Articles 13(1) and (2) of the Charter. That the same actions affected a significant section of population of the Respondent state, denying them their rights under Article 13(1) and (2) of the Charter.
7. That the Respondent State by its actions violated Articles 2(1)(a) and (b), and 9(1)(a) and (b) of the Maputo Protocol. Also, that by ousting the jurisdiction of courts the Respondent State violated 1, 2, 3, 7(1) and 13 of the Charter; Articles 2(3)(a)-(c), 3, 25(a)-(c) of the ICCPR.

B. ALLEGED VIOLATIONS

8. The Applicants allege:
 - i. Violation of Articles 1, 2, 3(1) and (2), 13(1) and (2) of the Charter;
 - ii. Violation of Articles 2(1)(a), (b) and 9(1)(a) and (b) of the Maputo Protocol;
and
 - iii. Violation of Articles 2(3) (a) and (c), 3 and 25 (a) – (c) of ICCPR.

III. PRAYERS OF THE APPLICANTS

9. The Applicants pray the Court for :

- a) A DECLARATION that the Respondent violated the African Charter on Human and Peoples' Rights, especially Articles 1, 2, 3(1)-(2), 7(1) and, 13(1)-(2)
- b) A DECLARATION that the Respondent violated Articles 2(3)(a)-(c), 3 and 25(a)-(c) of the International Covenant on Civil and Political Rights
- c) A DECLARATION that the Respondent violated the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), especially Articles 2(1)(a)-(b) and 9(1)(a)-(b).
- d) AN ORDER requiring the Respondent to investigate and bring to account all persons found to be responsible for the violation of the rights of the Applicants.
- e) AN ORDER requiring the Respondent to adopt constitutional, legislative, administrative and other measures to remedy the violations of the rights of the Applicants.
- f) AN ORDER for Reparations to the Applicants in terms to be determined in the Reparations Phase of this Application.
- g) AN ORDER for costs in favour of the Applicants.