


<b>AFRICAN UNION</b>		<b>UNION AFRICAINE</b>
<b>الاتحاد الأفريقي</b>		<b>UNIÃO AFRICANA</b>
<b>AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES</b>		

**SUMMARY OF APPLICATION**

**DOMINICK DAMIAN (APPLICANT)**

**VS**

**UNITED REPUBLIC OF TANZANIA (RESPONDENT STATE)**

**APPLICATION No. 048/2016**

**I. THE PARTIES**

1. Dominick Damian (hereinafter referred to as "the Applicant") is a national of the United Republic of Tanzania (hereinafter referred to as "the Respondent State"). The Applicant brings this Application alleging the violation of the of his right to life.
  
2. The Respondent State became party to the African Charter on Human and Peoples' Rights (hereinafter referred to as "the Charter") on 21 October 1986 and to 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”) on 10 February 2006 and deposited the Declaration required under Article 34(6) of the Protocol on 29 March 2010, by which it accepted the jurisdiction of the Court to receive cases from individuals and Non-Governmental Organizations. On 21 November 2019 it deposited with African Union Commission on Human and Peoples' Rights (Hereinafter referred to as the “Commission”), an instrument of withdrawal of the said declaration. The Court has held that this withdrawal has no bearing on pending cases and new cases filed before the day on which the withdrawal took effect which was on 22 November 2020, being a period of one year after its deposit.

## **II. SUBJECT OF THE APPLICATION**

### **A. Facts of the Matter**

3. In 2012, five years after his arrest, the Applicant was convicted of murder and sentenced to death.

### **B. Alleged violations:**

4. The Applicant alleges that courts of the Respondent State violated his rights to a fair trial, to life and to dignity under the Charter. He contends that his conviction rests only on dubious eye-witness testimony and the deceased's accusation before her death (dying declaration) implicating him and his now-absconded brother.
5. The Applicant alleges that the Respondent State has violated his fundamental rights guaranteed in Article(s) 2 and 3 (1) and (2) of Charter.

## **III. PRAYERS OF THE APPLICANT**

6. The Applicant prays the Court to order:

- i. That the Respondent has violated [his] rights under Articles 4,5 and 7 of the African Charter.
- ii. That the Respondent take appropriate measures to remedy the violations of Mr. Damian's rights under the African Charter.
- iii. That the Respondent set aside the death sentence imposed on Mr. Damian and remove him from death row.
- iv. That the Respondent amends its penal code and related legislation concerning the death sentence to make it compliant with Article 4 of the African Charter.
- v. That the Respondent release [him] from prison
- vi. That the Respondent pay reparations to [him] in such amount as the Court deems fit.