

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>		

APPLICATION NO. 017/2018

DADU SUMANO KILAGELAAPPLICANT

V.

UNITED REPUBLIC OF TANZANIA.....RESPONDENT

CASE SUMMARY

I. THE PARTIES

1. Mr. Dadu Sumano Kilagela (hereinafter “the Applicant”) is a national of Tanzania. At the time of filing the Application, he was serving a sentence of thirty (30) years imprisonment for the offence of robbery. He alleges the violation of his rights during domestic proceedings.
2. The Respondent State became a Party to the African Charter on Human and Peoples’ Rights (hereinafter “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 “the Protocol”) on 10 February 2006. It deposited the Declaration prescribed under Article 34(6) of the Protocol on 29 March 2010. On 21 November 2019, the Respondent State deposited, with the African Union Commission, an instrument of withdrawal of the said Declaration. The Court has held that this withdrawal had no bearing on pending cases and new cases filed before the withdrawal came into effect, which was one year after the deposit, that is, on 22 November 2020.¹

II. SUBJECT OF THE APPLICATION

A. Facts of the matter

3. From the record, the Applicant was convicted on 18 February 2009 by the District Court of Kasulu (the District Court) for the offence of armed robbery. He appealed his conviction in the High Court of Tanzania, but on 6 May 2013, the High Court dismissed his appeal and upheld the conviction. Dissatisfied with this result, the Applicant launched a second appeal in the Court of Appeal of Tanzania (Court of Appeal).

¹ *Andrew Ambrose Cheusi v. United Republic of Tanzania*, ACtHPR, Application No. 004/2015, Judgment of 26 June 2020 (merits and reparations), §§ 35-39.

4. The Court of Appeal delivered its judgment on 20 June 2014 and dismissed the Applicant's appeal.
5. Subsequent to this, the Applicant applied to the Court of Appeal for a review of its earlier decision. On 25 August 2017, the Court of Appeal dismissed his application for review.

B. Alleged Violations

6. The Applicant alleges the following, that:
 - i. His right to the enjoyment of the rights and freedoms recognized and guaranteed in the Charter, protected under article 2 of the Charter, has been violated.
 - ii. His right to equal protection of the law, protected under article 3(2) of the Charter, has been violated as the Court of Appeal refused to consider the three (3) additional grounds on which the Applicant attempted to rely, thus denying the Applicant an opportunity to be heard.
 - iii. His right, protected under article 13(6)(a) of the Constitution of the Republic of Tanzania, has been violated because he did not have legal representation during the appeal proceedings, and his additional grounds of appeal were not considered.

C. APPLICANT'S PRAYERS

7. The Applicant prays the Court for the following:
 - i. A restoration of justice where it was overlooked, and the quashing of the conviction and the sentence imposed upon the Applicant.

- ii. An order for compensation amounting to TZS 11,220,000.00.
- iii. A further order for compensation in special damages, to be assessed by the Court.
- iv. Any other order(s) that the Court deems fit and just to grant, given the circumstances of the Application.