

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. 023/2018

RASHIDI ROMANI NYEREREAPPLICANT

V.

UNITED REPUBLIC OF TANZANIA.....RESPONDENT

CASE SUMMARY

I. THE PARTIES

1. Mr. Rashidi Romani Nyerere (hereinafter “the Applicant”) is a national of Tanzania. He is currently awaiting the execution of his sentence of death in Ruanda Central Prison, after having been tried and convicted for murder. The Applicant alleges the violation of his right not to be tortured and his right to life.
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 charged and convicted of the offence of murder on 1 October 2013, by the High Court of Tanzania. He was sentenced to death by hanging. Dissatisfied with this result, the Applicant appealed to the Court of Appeal of Tanzania which dismissed his appeal on 3 September 2015.

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

B. Alleged Violations

4. The Applicant alleges that:
 - i. His right not to be subject to torture, protected under Article 5 of the Charter, has been violated as the Applicant alleges that he was tortured, for a period of seven (7) days, while in the custody of the police.
 - ii. His right to life, protected under Article 4 of the Charter, has been violated as a result of the failure to evaluate the evidence that led to the imposition of the death sentence.

C. APPLICANT'S PRAYERS

5. The Applicant prays the Court for the following:
 - i. To allow the matter to be heard.
 - ii. A quashing of the proceedings that took place before the High Court and the Court of Appeal.
 - iii. An order of compensation, to be assessed by the Court, to compensate the Applicant for injuries incurred while in the custody of the police.