


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. 030/2018

EDISON SIMON MWOMBeki.....APPLICANT

V.

UNITED REPUBLIC OF TANZANIA.....RESPONDENT

CASE SUMMARY
8 November 2024

I. THE PARTIES

1. Edison Simon Mwombeki (hereinafter referred to as the “Applicant”) is a citizen of the United Republic of Tanzania (hereinafter referred to as the “Respondent State”). At the time of filing the Application, the Applicant was imprisoned at Butimba Central Prison, Mwanza, having been tried, convicted, and sentenced to 30 years imprisonment for the offence of rape. He alleges violation of his rights during the proceedings before national courts.
2. The Respondent State became a Party to 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, through which it accepted the jurisdiction of the Court to receive applications from Individuals and Non-Governmental Organisations (hereinafter referred to as “NGOs”). 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 has no bearing on pending cases and new cases filed before the withdrawal came into effect, which is 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, it appears that on 17 January 2014, the Applicant, a bishop of the Tanzania Field Evangelism Church, allegedly raped a 16-year-old girl. The Applicant was arrested on 2 February 2014 and charged with the offence of rape.

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

He was tried and, on 14 August 2015, convicted of rape and sentenced to 30 years imprisonment by the District Court of Nyamagana, sitting in Nyamagana, Mwanza.

4. Dissatisfied with the conviction and sentence, the Applicant then appealed to the High Court of Tanzania sitting at Mwanza which, on 14 December 2015, dismissed the appeal. The Applicant then further appealed to the Court of Appeal of Tanzania sitting at Mwanza which also, on 18 October 2016, dismissed the appeal. Still discontent, the Applicant moved a further application for review at the Court of Appeal of Tanzania, at Mwanza which on 9 July 2018 dismissed the application for review.

B. Alleged violations:

5. The Applicant alleges violation of the following rights:
 - i. The right to equal protection of the law under Article 3(2) of the African Charter on Human and Peoples' Rights (hereinafter "the Charter").
 - ii. The right to dignity under Article 5 of the Charter.

III. Prayers of the Applicant

6. The Applicants pray the Court to:
 - i. Find that the Respondent State violated the Applicant's rights provided under the Charter;
 - ii. Order the Respondent State to restore the Applicant's liberty by releasing him from prison;
 - iii. Order the Respondent State to pay the Applicant reparations in the amount of Five Hundred Million Tanzanian Shillings (TZS 500,000, 000) for moral damage.
 - iv. Order the Respondent State to pay the Applicant reparations in the amount of Three Hundred Sixty-Six Million and Five Hundred Thousand Tanzanian Shillings (TZS 366,500,000) for loss of income;

- v. Order the Respondent State to pay the Applicant reparations in the amount of One Hundred Million Tanzanian Shillings (TZS 100,000,000) for life expenses;
- vi. Order the Respondent State to pay the Applicant reparations in the amount of Eight Million Tanzanian Shillings (TZS 8,000,000) for Secondary Education for two children;
- vii. Order the Respondent State to pay the Applicant reparations in the amount of Twenty Million Tanzanian Shillings (TZS 20,000,000) for College Education for two children;
- viii. Order the Respondent State to pay the Applicant reparations in the amount of One Hundred and Fifty Million Tanzanian Shillings (TZS 150,000,000) for Service to the Church and fellows;
- ix. Order the Respondent State to pay reparations in the amount of Fifty Million Tanzanian shillings (TZS 50,000,000) for costs incurred by the Applicant on transport;
- x. Order the Respondent State to pay the Applicant reparations in the amount of One Hundred Sixty-Six Million and Five Hundred Thousand Tanzanian Shillings (TZS 166,500,000) as compensation for affecting his properties.