

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
DECLARATION BY JUDGE DUMISA BUHLE NTSEBEZA
IN THE MATTER OF APPLICATION NO. 015/2018

KIJA NESTORY JINYAMU

V.

UNITED REPUBLIC OF TANZANIA

JUDGMENT OF 13 NOVEMBER 2024

Pursuant to Rule 70(3) of the Rules of Court, read together with Article 28(7) of the Protocol, I declare that I disagree with the majority in their judgment on capital punishment on the following bases:

- 1) Capital Punishment is not only a clear violation of Article 5 of the African Charter on Human and Peoples' Rights in relation to the method of execution by hanging as implemented by the Respondent State. It, in and of itself, violates Article 5 of the Charter because it is an inherently cruel, degrading and inhuman treatment or punishment.
- 2) Its imposition has a potential for error.
- 3) It is irreversible.
- 4) it has no demonstrable deterrent effect.
- 5) Its discriminatory application undermines the fundamental principles of human rights, justice and equality.

Signed:

Judge Dumisa Buhle NTSEBEZA



Done at Arusha, this Thirteenth Day of November in the year Two Thousand and Twenty-Four, the English text being authoritative.

