


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

THE MATTER OF

AJAYE JOGOO

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO. 014/2018

ORDER

(REOPENING OF PLEADINGS)

29 NOVEMBER 2024



The Court composed of: Modibo SACKO, Vice President; Rafaâ BEN ACHOUR, Suzanne MENGUE, Tujilane R. CHIZUMILA, Chafika BENSAOULA, Blaise TCHIKAYA, Stella I. ANUKAM, Dumisa B. NTSEBEZA, Dennis D. ADJEI, Duncan GASWAGA – Judges; and Robert ENO, Registrar.

In accordance with Article 22 of 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”) and Rule 9(2) of the Rules of Court (hereinafter referred to as “the Rules”), Justice Imani D. ABOUD, President of the Court, and a national of Tanzania, did not hear the Application.

In the matter of

Ajaye JOGOO

Represented by:

Donald DEYA, Executive Director, Pan African Lawyers Union.

Versus

UNITED REPUBLIC OF TANZANIA

Represented by:

- i. Dr Boniphace Naliya LUHENDE, Solicitor General, Office of the Solicitor General;
- ii. Ms Sarah Duncan MWAIPOPO, Deputy Solicitor General, Office of the Solicitor General; and
- iii. Ms Nkasori SARAKEYA, Director of Human Rights, Ministry of Constitution and Legal Affairs.

After deliberation,

Issues the present Order.

I. THE PARTIES

1. Ajaye Jogoo (hereinafter referred to as “the Applicant”) is a national of the Republic of Mauritius and the director of Cimexpan Ltd, a Mauritian company. He alleges, *inter alia*, the violation of his rights to property and a fair trial in proceedings before Tanzanian national courts. The violations allegedly occurred at the time when the Applicant was residing in the United Republic of Tanzania.
2. The Application is filed against the United Republic of Tanzania (hereinafter referred to as “the Respondent State”), which became a party to the African Charter on Human and Peoples’ Rights (hereinafter referred to as “the Charter”) on 21 October 1986 and to the Protocol on 10 February 2006. Furthermore, the Respondent State, on 29 March 2010, deposited the Declaration prescribed under Article 34(6) of the Protocol (hereinafter referred to as “the Declaration”), through which it accepted the jurisdiction of the Court to receive applications from individuals and Non-Governmental Organisations. On 21 November 2019, the Respondent State deposited an instrument withdrawing its Declaration with the Chairperson of the African Union Commission. The Court held that this withdrawal has no bearing on pending and new cases filed before the withdrawal came into effect, that is, one year after its deposit, which is on 22 November 2020.¹

II. SUBJECT MATTER OF THE APPLICATION

3. It emerges from the Application, that the Applicant was deported from the United Republic of Tanzania following his arrest and designation as

¹ *Andrew Ambrose Cheusi v. United Republic of Tanzania* (judgment) (26 June 2020) 4 AfCLR 219, §§ 37-39.

‘Prohibited Immigrant’. He alleges, *inter alia*, the violation of his rights to property and a fair trial in proceedings before the Tanzanian national courts.

III. SUMMARY OF THE PROCEDURE BEFORE THE COURT

4. The Application was filed on 28 May 2018 and served on the Respondent State on 30 July 2021. The Respondent State did not file any Response in spite of several reminders. Pleadings were closed on 4 July 2024 and the Parties were duly notified.
5. On 29 October 2024, the Respondent State filed a request for extension of time which was transmitted, on 1 November 2024, to the Applicant. On 4 November 2024, the Applicant opposed the request for extension of time.

IV. ON THE REOPENING OF PLEADINGS

6. The Respondent State submits that it failed to comply with the time-limits because of two reasons. First, that, it was collecting information from institutions related to the case and second, “that it was because of the restructuring process of the Office of the Attorney General to form the office of the Solicitor General”.
7. The Applicant opposes the request for extension of time, indicating that the Respondent State had abused the time limit granted by the Court.

8. Rule 46(3) of the Rules provides that “the Court has the discretion to determine whether or not to reopen pleadings”. Further, Rule 90 of the Rules stipulates that “[n]othing in these Rules shall limit or otherwise affect the inherent power of the Court to adopt such procedure or decisions as may be necessary to meet the ends of justice.”

9. Consequently, by virtue of its discretionary power mentioned above and with the aim of proper administration of justice, the Court grants the request of the Respondent State for extension of time and orders the Respondent State to file its Response within 30 days.

V. OPERATIVE PART

10. For these reasons:

THE COURT,

Unanimously,

- i. *Orders that the pleadings in Application no. 014-2018 – Ajaye Jogoo v. United Republic of Tanzania are reopened;*
- ii. *Orders the Respondent State to file its Response within 30 days of the notification of this Order.*

Signed:

Modibo SACKO, Vice-President,

and Robert ENO, Registrar.

Done at Arusha, this Twenty-Ninth Day of the Month of November in the Year Two Thousand and Four, in English and French, the English text being authoritative.

