


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		

IN THE MATTER OF

KACHUKUKA NSHEKANABO KAKOBEKA

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO. 029/2016

ORDER ON RE-OPENING OF PLEADINGS

8 OCTOBER 2019

The Court composed of: Sylvain ORÉ, President; Ben KIOKO, Vice-President; Rafaâ BEN ACHOUR, Ângelo V. MATUSSE, Suzanne MENGUE, M-Thérèse MUKAMULISA Tujilane R. CHIZUMILA, Chafika BENSAOULA, Blaise TCHIKAYA, Stella I. ANUKAM, Judges, and Robert ENO, Registrar.

Pursuant to 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 8(2) of the Rules of Court (hereinafter referred to as "the Rules"), Judge Imani D. ABOUD, Member of the Court and a national of Tanzania, did not hear the Application.

In the matter of:

Kachukura Nshekanabo KAKOBEKA

self-represented,

versus

UNITED REPUBLIC OF TANZANIA,

represented by:

- i. Dr. Clement J. MASHAMBA, Solicitor General, Office of the Solicitor General
- ii. Ms. Sarah MWAIPOPO, Acting Deputy Attorney General and Director of the Division of Constitutional Affairs and Human Rights, Attorney General's Chambers
- iii. Ambassador Baraka LUVANDA, Head of Legal Unit, Ministry of Foreign Affairs, East Africa, Regional and International Cooperation
- iv. Ms. Nkasori SARAKEYA, Assistant Director, Human Rights, Principal State Attorney, Attorney General's Chambers
- v. Mr. Mark MULWAMBO, Principal State Attorney, Attorney General's Chambers

- vi. Ms. Aidah KISUMO, Senior State Attorney, Attorney General's Chambers
- vii. Mr. Elisha SUKA, Foreign Service Officer, Ministry of Foreign Affairs, East Africa, Regional and International Cooperation.
- viii. Ms. Blandina KASAGAMA, Legal Officer, Ministry of Foreign Affairs, East Africa, Regional and International Cooperation.

I. THE PARTIES

1. The Applicant, Mr. Kachukura Nshekanobo Kakobeka is a national of the United Republic of Tanzania. He was convicted of the offence of murder on 26 June 2015 and sentenced to death by the Tanzania High Court.
2. The Respondent State, the United Republic of Tanzania, 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 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") on 10 February 2006. On 29 March 2010, the Respondent State deposited the Declaration as prescribed under Article 34(6) of the Protocol.

II. SUBJECT MATTER OF THE APPLICATION

3. The Application, filed on 8 June 2016, is based on the Respondent State's alleged violations of Articles 3 (1) and (2) of the Charter on the right to equality before the law and equal protection of the law in the course of the Applicant's trial and appeal on the charge of murder.

III. SUMMARY OF PROCEDURE BEFORE THE COURT

4. The Parties exchanged pleadings on the merits. The Applicant filed his submissions on reparations. On 12 June 2019 the Parties were notified of the close of pleadings.
5. On 16 August 2019 the Respondent State filed a request for extension of time to file its response to the Applicant's submissions on reparations on the basis that information was being sought from various stakeholders involved in the

matter. The Respondent State filed the response to the submissions together with the request for extension of time.

6. On 23 August 2019 the Respondent State's request was sent to the Applicant for his observations to be submitted within fifteen (15) days. The Applicant did not submit any observations in this regard.

IV. THE COURT:

- i. Orders that, in the interests of justice, proceedings in *Application No. 029/2016 Kachukura Nshehanabo Kakobeka v United Republic of Tanzania* be and are hereby re-opened
- ii. The Respondent State's Response to the Applicant's submissions on reparations is deemed as duly filed and to be served on the Applicant.
- iii. The Applicant's Reply, if any, should be filed within thirty (30) days of receipt of the Respondent State's Response.

Signed:

Sylvain ORÉ, President

and Robert ENO, Registrar.

Done at Arusha, this Eighth Day of October in the Year 2019.