

<b>AFRICAN UNION</b>		<b>UNION AFRICAINE</b>
<b>الاتحاد الأفريقي</b>		<b>UNIÃO AFRICANA</b>
<b>AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS</b> <b>COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES</b> P.O Box 6274 Arusha, Tanzania- Telephone: +255 732 979506/9; Fax. +255 732 979503		

**THE MATTER OF**

**AMIR RAMADHANI**

**V.**

**UNITED REPUBLIC OF TANZANIA**

**APPLICATION No. 010/2015**  
**(REPARATIONS)**

**ORDER**

**7 AUGUST 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:*

Amir RAMADHANI

*represented by:*

Pan African Lawyers Union (PALU)

*Versus*

UNITED REPUBLIC OF TANZANIA

represented by:

- i. Dr Clement J. Mashamba - Solicitor General, Office of the Solicitor General;
- ii. Ms. Sarah MWAIPOPO, Director, Constitutional Affairs and Human Rights, Attorney General's Chambers;
- iii. Mr. Zachariah ELISARIA, Senior State Attorney, Attorney General's Chambers;

- iv. Ms. Nkasori SARAKEYA, Principal State Attorney, Attorney General's Chambers;
- v. Mr. Benedict T. MSUYA, Second Secretary, Legal Officer, Ministry of Foreign Affairs and International Cooperation;
- vi. Mr. Michael LUENA, Principal State Attorney. Attorney General's Chambers;
- vii. Mr. Veritas MLAY, State Attorney, Attorney General's Chambers.

after deliberation,

*issues the following Order:*

## **I. THE PARTIES**

1. The Applicant, Amir Ramadhani, (hereinafter referred to as "the Applicant") is a national of Tanzania.
2. The Respondent State is the United Republic of Tanzania, which ratified the African Charter on Human and Peoples' Rights (hereinafter referred to as "the Charter") on 21 October 1986; the Protocol on 7 February 2006; and deposited the Declaration under Article 34(6) of the Protocol, by which it accepts the jurisdiction of the Court to receive cases directly from individuals and Non-Governmental Organizations, on 29 March 2010.

## **II. SUBJECT MATTER OF THE APPLICATION**

3. An Application for reparations was filed by the Applicant pursuant to the judgment of the Court on the merits delivered on 11 May 2018. In the said judgment, the Court decided that the Respondent State violated Article 7 (1) (c) of the Charter, due to its failure to provide the Applicant with free legal assistance during the judicial proceedings and decided that the Respondent State also consequently violated Article 1 of the Charter.

4. Pursuant to Rule 63 of the Rules, the Court ordered the Applicant to file his submission on reparations within thirty (30) days of the judgment of 11 May 2018 and the Respondent State to file submissions in response thereto within thirty (30) days of receipt of the Applicant's submissions.

### **III. SUMMARY OF THE PROCEDURE BEFORE THE COURT**

5. On 14 May 2018, the Registry transmitted a certified true copy of the judgment on the merits to the Parties.
6. The Applicant filed his submission on reparations on 30 July 2018, which was transmitted to the Respondent State on 2 August 2018.
7. After extensions of time granted to the Respondent State on 19 September 2018; 12 December 2018 and 15 February 2019, on 3 May 2019, pleadings were closed and the Parties were duly notified.
8. On 10 July 2019, the Respondent State filed its Response to the Applicant's submission on reparations.

### **IV. THE COURT:**

- i. Orders that the proceedings in *Application 010/2015 Amir Ramadhani v. United Republic of Tanzania (Reparations)* are hereby reopened; and
- ii. Rules that Respondent State's Response to the Applicant's submissions on reparations is deemed as properly filed, in the interest of justice;

- iii. Orders the Applicant to submit his Reply to the Respondent State's Response within thirty (30) days of receipt thereof.

Signed:

Sylvain ORÉ, President;  
and Robert ENO, Registrar.

Done at Arusha, this Seventh Day of August in the Year 2019, in English and French,  
the English text being authoritative.