

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

NGUZA VIKING (BABU SEYA) AND JOHNSON NGUZA (PAPI KOCHA)

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO. 006/2015

ORDER FOR REOPENING OF PLEADINGS

9 March 2020

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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 and Chafika BENSAOULA, Blaise TCHIKAYA, Stella I. ANUKAM, 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 and Rule 8(2) of the Rules of Court (hereinafter referred to as "the Rules"), Justice Imani D. ABOUD, member of the Court and a national of Tanzania, recused herself.

In the matter of:

Nguza VIKING (Babu SEYA) AND Johnson NGUZA (Papi KOCHA)

represented by:

Advocate Donald O. DEYA, Pan African Lawyers Union (PALU)

UNITED REPUBLIC OF TANZANIA

represented by:

Dr. Clement Julius MASHAMBA, Solicitor General, Attorney General's
Chambers

after deliberation,

issues the following Order.

I. SUBJECT OF THE APPLICATION

1. Pursuant to the judgment of the Court on the merits of 23 March 2018, written submissions for reparations were filed by Messrs Nguza Viking and Johnson Nguza (hereinafter referred to as the first and second Applicant respectively). In the said judgment, this Court found that the United Republic of Tanzania (hereinafter the Respondent State) violated Articles 1 and 7(1)(c) of the African Charter on Human and Peoples' Rights (hereinafter referred to as "the Charter") by reason of failure to provide the Applicants with copies of witness statements, failure to call material witnesses as well as failure to facilitate the first Applicant to conduct a test as to his impotence.
2. Having found these violations, the Court ordered the Respondent State "to take all necessary measures within a reasonable time to restore the Applicants' rights and inform the Court, within six (6) months, from the date of this judgment of the measures taken".
3. Pursuant to Rule 63 of the Rules, the Court directed the Applicants to file their submissions on reparations within thirty (30) days of the judgment and the Respondent State to file the submissions in response thereto within thirty (30) days of receipt of the Applicants' submissions.
4. On 23 August 2018, the Applicants filed their written submissions on reparations and this was transmitted to the Respondent State on 24 August 2018. The Respondent State is yet to file a Response to date.
5. The Court notes, however, that the Applicants have not filed the necessary documents in support of some of their claims for reparations, which does not allow the Court to decide the question of reparations with full knowledge of the facts.

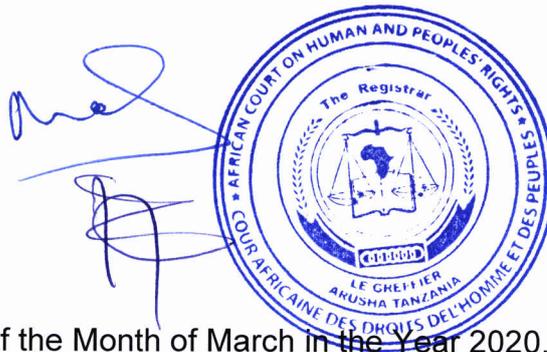
II. THE COURT

6. *Decides* to reopen pleadings and invites the parties to file any additional observations or evidence.
7. *Further decides* that the said additional observations or evidence shall be filed within ten (10) days of the notification of this Order.

Signed:

Sylvain ORÉ, President

and Robert ENO, Registrar.



Done at Arusha, this Ninth Day of the Month of March in the Year 2020, in English and French, the English text being authoritative.