

Benyoma v Tanzania (re-opening of pleadings) (2019) 3 AfCLR 520

Application 001/2016, *Chrizostom Benyoma v United Republic of Tanzania*

Order, 26 September 2019

Judges: ORÉ, KIOKO, BEN ACHOURMATUSSE, MENGUE, MUKAMULISA, CHIZUMILA, BENSOUOLA TCHIKAYA and ANUKAM

Recused under Article 22: ABOUD

Pleadings re-opened in the interests of justice at the request of the Respondent State.

Procedure (re-opening of pleadings, IV)

I. The Parties

1. The Applicant, Mr Chrizostom Benyoma is a national of the United Republic of Tanzania. He was convicted of the offence of rape on 28 February 2002 and sentenced to life imprisonment which he is currently serving.
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 4 January 2016, is based on the Respondent State's alleged violations of the Applicant's right to equal protection before the law under Article 3(2) of the Charter and the right to be heard in the course of his trial and appeals on the charge of rape.

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 26 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 the delay in responding was due to the reforms in the State Law Offices. The Respondent State filed the response to the submissions together with the request for extension of time.

IV. The Court

- i. Orders that, in the interests of justice, proceedings in Application 001/2016 *Chrizostom Benyoma 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.