

Kakobeka v Tanzania (re-opening of pleadings) (2019) 3 AfCLR 537

Application 029/2016, *Kachukura Nshekanabo Kakobeka v United Republic of Tanzania*

Order, 8 October 2019. Done in English and French, the English text being authoritative.

Judges: ORE, KIOKO, BEN ACHOUR, MATUSSE, MENGUE, MUKAMULISA CHIZUMILA, BENSAOULA, TCHIKAYA and ANUKAM

Recused under Article 22: ABOUD

Procedure (re-opening of pleadings)

I. The Parties

1. The Applicant, Mr Kachukura Nshekanabo 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 the 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.
7. The Court
 - i. orders that, in the interests of justice, proceedings in *Application 029/2016 Kachukura Nshekanabo 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.