

Lazaro v Tanzania (leave to amend) (2019) 3 AfCLR 4

Application 003/2016, *John Lazaro v Tanzania*

Order, 7 February 2019. Done in English and French, the English text being authoritative.

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

Recused under Article 22: ABOUD

Request by the Applicant to amend the Application granted by the Court.

Procedure (leave to amend, 4; leave to file submissions, 4)

I. The Parties

1. The Applicant, John Lazaro (hereinafter referred to as “the Applicant”) was convicted of murder contrary to Section 196 of the Penal Code of the United Republic of Tanzania and on 6 August 2010, and sentenced to death by the High Court of Tanzania at Bukoba in Criminal Session 88/2004. His conviction and sentence were upheld by the Court of Appeal of Tanzania sitting at Mwanza on 28 November 2011, in Criminal Appeal 230/2010.
2. The Respondent State, the United Republic of Tanzania, became a party to the African Charter on Human and Peoples’ Rights (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 (the Protocol) on 10 February 2006. On 29 March 2010, the Respondent State deposited its declaration as prescribed under Article 34(6) of the Protocol.

II. Prayers of the Parties

3. The Applicant prays:
 - i. That the Applicant be permitted to amend or file a supplement to his Notice of Appeal.
 - ii. That the Applicant be permitted to file further evidence in his defence, pursuant to Rule 50 of Rules of Court;
 - iii. That the Applicant be allowed 90 days from the date of filing this motion, (taking into account the fact that the holiday period will result in delays) to submit these additional documents
 - iv. That drafting or issuing of judgment in this matter be deferred until

the Applicant has had an opportunity to make the contemplated further submissions; and

v. That the case be heard in oral proceedings, pursuant to Rules 27 and 71 of the Rules of the Court.”

4. The Motion to amend the Application and file further evidence was sent to the Respondent State on 10 December 2018 but it did not respond to the Request.

The Court,

- i. Grants the Applicant leave to amend the Application and submit further evidence in support of the Application, within fifteen (15) days of notification of this Order.
- ii. Grants the Applicant leave to file amend his submissions on reparations within fifteen (15) days of notification of this Order if need be.
- iii. Reserves its decision on the holding of a public hearing.