


003/2016  
13/02/2019  
(001102 - 001099) RM

001102

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

JOHN LAZARO

V.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO. 003/2016

ORDER

13 FEBRUARY 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 BENSOUOLA, 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, Justice Imani D. ABOUD, member of the Court and a national of Tanzania, did not hear the Application.

In the matter of:

John LAZARO

represented by:

Advocate Jebra KAMBOLE

*Versus*

UNITED REPUBLIC OF TANZANIA

represented by:

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

after deliberation,

*issues the following Order:*

## 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 No. 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 No. 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 differed 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.

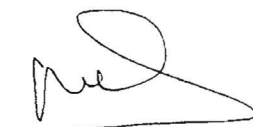
#### THE COURT,

- 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.

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

Signed:

Sylvain ORÉ, President



and Robert ENO, Registrar.