



# AfCHPR

African Court on Human  
and Peoples' Rights

Arusha, Tanzania

Website: [www.african-court.org](http://www.african-court.org)

Telephone: +255-272-510-510

**JUDGMENT SUMMARY**

**CHACHA JEREMIAH AND OTHERS**

**V.**

**UNITED REPUBLIC OF TANZANIA**

**CONSOLIDATED APPLICATION NOs. 039/2019, 040/2019 & 041/2019**

**JUDGMENT ON MERITS AND REPARATION**

**5 JUNE 2026**

**A DECISION OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS**

**Arusha, 5 June 2026:** The African Court on Human and Peoples' Rights (the Court) today delivered a Judgment in the case of *Chacha Jeremiah and Others v. United Republic of Tanzania*.

*Chacha Jeremiah, Methew Jeremiah Daud and Paschal Ligoye Mashiku* (the Applicants) are nationals of the United Republic of Tanzania (the Respondent State). At the time of filing the Application, they were incarcerated at Butimba Central Prison, Mwanza, having been convicted of murder and sentenced to death, by hanging. The Applicants alleged that the Respondent State violated their right to life, right to inherent dignity, right to be represented by counsel of one's choice, right to be tried within a reasonable time and the right to be heard, protected under Articles 4, 5, 7(1)(c), 7(1)(d) and 7(1) of the African Charter on Human and Peoples' Rights (the Charter) respectively with regards to the proceedings at the national courts.

In accordance with Article 3 of 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), the Court first determined whether it had jurisdiction to hear the Application. In this regard, the Respondent State raised an objection to the material jurisdiction of the Court arguing that it does not have appellate jurisdiction. The Court



# AfCHPR

African Court on Human  
and Peoples' Rights

Arusha, Tanzania

Website: [www.african-court.org](http://www.african-court.org)

Telephone: +255-272-510-510

## **JUDGMENT SUMMARY**

---

in its decision, rejected the objection, holding that it had material jurisdiction because the Applicants had alleged violations of their rights, protected under Articles 4, 5, 7(1)(c), 7(1)(d) and 7(1) of the Charter.

Although other aspects of jurisdiction were not contested by the Respondent State, the Court examined them as required by its Rules. In this regard, the Court found that it had personal jurisdiction since, on 29 March 2010, the Respondent State deposited the Declaration provided for under Article 34(6) of the Protocol. This Declaration allows individuals to file applications against the Respondent State as per Article 5(3) of the Protocol. The Court underscored that the Respondent State's withdrawal of its Declaration on 21 November 2019 did not affect the Consolidated Applications, as the withdrawal took effect on 22 November 2020, while the Applications were filed at the Court on 21 August 2019.

Furthermore, the Court held that it had temporal jurisdiction as the alleged violations occurred after the Respondent State had become a party to the Protocol. Lastly, it found that it had territorial jurisdiction, given that the facts of the matter occurred within the territory of the Respondent State.

The Court then determined whether the Application was admissible as provided for under Article 6(2) of the Protocol and Article 56 of the Charter, the latter as restated in Rule 50(2) of the Rules. In this regard, the Respondent State raised an objection to the admissibility of the application in relation to the non-exhaustion of local remedies by the Applicants. In its decision, the Court held that the Applicants had appealed the decision of the High Court convicting them of murder to the Court of Appeal, the highest judicial organ of the Respondent State. The Court of Appeal delivered its judgment on 4 April 2019, dismissing the Applicants' appeal. Accordingly, the Applicants had, therefore, exhausted local remedies in compliance with Rule 50(2)(e) of the Rules.



# AfCHPR

African Court on Human  
and Peoples' Rights

Arusha, Tanzania

Website: [www.african-court.org](http://www.african-court.org)

Telephone: +255-272-510-510

## **JUDGMENT SUMMARY**

---

Although other conditions of admissibility were not challenged by the Respondent State, the Court nonetheless had to ensure that they had been fulfilled. In this connection, the Court held that the Applicants had been identified by name in fulfilment of Rule 50(2)(a) of the Rules. It also held that the allegations by the Applicants sought to protect their rights in line with Article 3(h) on the objectives of the Constitutive Act of the African Union, and thus the Application complied with Rule 50(2)(b) of the Rules. Furthermore, the Court found that the language used in the Applications was not disparaging or insulting to the Respondent State or its institutions, in fulfilment of Rule 50(2)(c) of the Rules. The Applications were, also not based exclusively on news disseminated through mass media, in fulfilment of Rule 50(2)(d) of the Rules.

In addition, the Court held that the Applications which were filed four months and three days after the Court of Appeal rendered its decision on their appeal, on 4 April 2019, were filed within a manifestly reasonable time in accordance with Rule 50(2)(f) of the Rules. The Court was also satisfied that the Applications did not raise allegations already settled before another international tribunal. Resultantly, the Court declared the Application admissible.

On the merits of the case, the Court considered whether the Respondent State had violated the Applicants' rights under Articles 4, 5, 7(1)(c), 7(1)(d) and 7(1) of the Charter, by its conduct in the assessment of evidence and the sentencing the Applicants to death.

The Applicants argued that the mandatory imposition of the death penalty negates judicial discretion to consider the circumstances of the accused and the offence. The Court held that this constitutes a violation, as it denies due process by removing the judicial officer's ability to exercise such discretion. It further found that the subsequent commutation to life imprisonment did not cure the violation, since the Applicants had already been subjected to the mandatory death sentence and had spent time on death row prior to its commutation.



# AfCHPR

African Court on Human  
and Peoples' Rights

Arusha, Tanzania

Website: [www.african-court.org](http://www.african-court.org)

Telephone: +255-272-510-510

## **JUDGMENT SUMMARY**

---

The Applicants alleged that they were subjected to torture during their interrogation in order to coerce a confession. The Court held in its decision that the Applicants had not raised this claim before the High Court and further that there was nothing on the record with regards to the consideration of the confession by the national courts that required its intervention. The Court found that the Respondent State had not violated the Applicants' freedom against torture provided for under Article 5 of the Charter.

The Applicants further contended that the imposition of the death sentence by hanging is a violation of their right to inherent dignity. The Court held that the method of execution by hanging constitutes an encroachment upon human dignity and therefore a violation.

With regard to the alleged violation of the Applicants' right to be represented by an effective counsel, the Court held that the Applicants' were provided free legal representation and found no evidence that the Respondent State hindered counsel's access to the Applicants, restricted consultation, or denied them adequate time and facilities for the preparation of the defence. Therefore, the Court held that the Applicants' right to be represented by effective counsel of their choice had not been violated.

On the alleged violation of the right to be tried within a reasonable time, the Court held that the period of five years, three months, and 15 days before the commencement of trial was not unreasonable. It took into account the complexity of the case, including the number of witnesses and the analysis of DNA evidence, as well as the inherently time-consuming nature of pre-trial processes and the impact of institutional workload and scheduling.

The Applicants alleged procedural irregularities amounting to a violation of their right to a fair trial. The Court held that it cannot assume the role of domestic courts by re-examining the details of evidence used to establish criminal culpability. Upon reviewing the record, it found that the national courts' assessment of the evidence did



# AfCHPR

African Court on Human  
and Peoples' Rights

Arusha, Tanzania

Website: [www.african-court.org](http://www.african-court.org)

Telephone: +255-272-510-510

## **JUDGMENT SUMMARY**

---

not reveal non-compliance with applicable human rights standards, thus, no violation was established.

As regards pecuniary reparations, the Court dismissed the claim for material damages noting that the Applicants had not demonstrated the link between the material prejudice suffered and the violations established. However, exercising its discretion in equity, it awarded each Applicant, Tanzania Shillings One Hundred Thousand (TZS 100,000) for the moral prejudice occasioned by the violations established.

On non-pecuniary reparations, the Court dismissed the Applicants' prayer for release, for failure to demonstrate special and compelling circumstances.

The Court, having found violations of Articles 4 and 5 of the Charter, ordered the Respondent State to take all necessary measures, without delay, to remove the provision of the mandatory death sentence and hanging as a method of execution of the death sentence from its laws. Furthermore, the Court ordered the Respondent State to vacate the sentence, remove the Applicants from death-row and rehear their case on sentencing through a procedure that allows judicial discretion. In addition, the Court ordered the Respondent State to publish the judgment on the websites of the Judiciary, and the Ministry for Constitutional and Legal Affairs within a period of three months from the date of notification and ensure that it is accessible for one year.

Each Party was ordered to bear its own costs.

Pursuant to Article 28(7) of the Protocol and Rule 70 of the Rules, Justice Rafaâ BEN ACHOUR issued a Dissenting Opinion on the finding on the alleged violation of the right to be tried within a reasonable time; Justice Modibo SACKO issued a Partial Dissenting Opinion on the amount granted as moral damages to the Applicants; Justice Dennis D. Adjei issued a Separate Opinion on the finding on the allegation of right to be tried within a reasonable, the legal effect of commutation of death sentence to life sentence and the nature of reparations that may be awarded for moral damages;



# AfCHPR

African Court on Human  
and Peoples' Rights

Arusha, Tanzania

Website: [www.african-court.org](http://www.african-court.org)

Telephone: +255-272-510-510

## **JUDGMENT SUMMARY**

---

and Justice Blaise Tchikaya and Justice Dumisa B. Ntsebeza issued Declarations on the issue of the death penalty.

### **Further Information**

Further information about this case, including the full text of the decision of the African Court, may be found on the website at:

<https://www.african-court.org/cpmt/details-case/0392019>;

<https://www.african-court.org/cpmt/details-case/0402019>;

<https://www.african-court.org/cpmt/details-case/0412019>

For any other queries, please contact the Registry by email via [registrar@african-court.org](mailto:registrar@african-court.org).

*The African Court on Human and Peoples' Rights is a continental court established by African Union Member States to ensure the protection of human and peoples' rights in Africa. The Court has jurisdiction over all cases and disputes submitted to it concerning the interpretation and application of the African Charter on Human and Peoples' Rights and any other relevant human rights instrument ratified by the States concerned. For further information, please consult our website at [www.african-court.org](http://www.african-court.org).*