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## African Court Orders Tanzania to Expunge Death Penalty

On 5 February 2025, the African Court on Human and People's Rights (the Court) delivered a landmark judgment regarding imposition of death penalty in the case of Ladislaus Chalula (Applicant) v United Republic of Tanzania (Respondent State). In 1995, the Applicant was convicted of murder and sentenced to death by the High Court of Tanzania sitting in Sumbawanga, Rukwa Region. Being aggrieved, the Applicant appealed against the High Court's decision to the Court of Appeal which upheld the conviction for murder as well as the death sentence.

### Background

The Applicant alleged that the Respondent State had violated a number of his rights under the African Charter on Human and Peoples' Rights (the Charter), namely the right against discrimination (Article 2); the right to equal legal protection (Article 3); the right to life (Article 4) and the right to a fair trial (Article 7 (1)(c)).

### Judgment

Regarding violation of Article 2 of the Charter, the Court observed that there was no evidence on record that the domestic Courts discriminated the Applicant in the proceedings involving him, hence dismissal of the allegation.

As to whether the Respondent State had violated the right to equality before the law and equal protection under the law, the Court recalled the legal principle that he who alleges must prove and noted that the Applicant failed to substantiate his allegation. The Court further noted that there was nothing on record to show that the domestic Courts breached the Applicant's right to be protected by the law nor his right to equality before the law.

On whether the Applicant's right to life was violated, the Court evoked its well-established jurisprudence that the mandatory nature of the death penalty constitutes a violation of the right to life as guaranteed under Article 4 of the Charter. Further, the Court noted, that the Applicant did not allege violation of the right to dignity nor did he raise the issue of execution of the death sentence by hanging. However, the Court ruled that executing death penalty by hanging violates the right to inherent dignity as guaranteed by Article 5 of the Charter.

Regarding the violation of right to a fair trial, the Court dismissed the allegation and found the Respondent State not in violation of the said right.

### Order of the Court

1. The Court dismissed the Applicant's prayer for release and ordered the Respondent State to vacate the death penalty imposed on the Applicant and remove him from the death row.
2. The Court ordered the Respondent State, within one year of the notification of the judgment to retry the case involving the Applicant, in a procedure that does not provide for mandatory application of the death penalty.
3. The Court also ordered the Respondent State, within 6 months of the notification of the judgment, to expunge from its criminal code the imposition of mandatory death penalty.
4. The Court also ordered the Respondent state, within 6 months of the notification of the judgment, to expunge from its criminal code hanging as method of enforcing the death penalty.
5. The Court also ordered the Respondent State to publish the judgment within a period of 6 months from the date of notification of the judgment on the websites of the judiciary and the Ministry for Constitutional and Legal Affairs, and to ensure that the text of the judgment is accessible for at least one year after the date of its publication.
6. Finally, the Court ordered the Respondent State to submit a report within 6 months of the judgment, on the measures taken to implement the terms of the judgment and to submit further reports every 6 months until the Court is satisfied that there has been full implementation.

To read the Judgment [click here](#)

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