Application No. 011/2011

Reverend Christopher Mtikila *v*. The United Republic of Tanzania

Brief summary of facts:

1. The Applicant, Reverend Christopher Mtikila, is a citizen of the United Republic of Tanzania. He submits that current Tanzanian Constitution violates his right to freedom of association and to participate in public/government affairs, by prohibiting independent candidates to contest presidential, parliamentary and local council elections, and that this prohibition also violates the principle of non-discrimination.

2. According to the Applicant, the Tanzanian Government violated the rule of law by initiating a constitutional review and subsequent amendment to settle an issue pending before the Courts of Tanzania. The Applicant claims that the action of the Government amounts to a violation of his rights guaranteed under Articles 2, 10, 13(1) of the African Charter on Human and Peoples' Rights (African Charter), Articles 22, 25, 26 of the International Covenant on Civil and Political Rights (ICCPR), and Articles 1, 7, 20 and 21(1) of the Universal Declaration of Human Rights.

Relief sought

3. The applicant is seeking a declaration that current Tanzanian law barring independent candidates from seeking public/elective office is in violation of the African Charter and the ICCPR.

Procedure

4. The application was received on 10 June 2011 and registered on the same date.

5. At its 21st Ordinary session, the Court considered the application instructed the Registry to transmit same to the Respondent.

6. By Note Verbale dated 17 June 2011, the Registry transmitted the application to the Respondent State, and invited the latter to, within thirty (30) days, indicate

the names and addresses of its representatives and, to respond to the application within sixty (60) days.

7. By letter of 20 June, 2011, the Registry notified the Chairperson of the African Union Commission (AUC) and through him, the Executive Council of the African Union and all State Parties to the Protocol Establishing the Court.

8. By note verbale dated 27 July 2011, the Respondent communicated the names and addresses of its representatives to the Registry.

9. By note verbale dated 29 July, 2011, the Registry acknowledged receipt of the Respondent's Note Verbale communicating the names and addresses of its representatives.

10. By note verbale dated 23 August 2011 and received at the Registry on 24 August, 2011, the Respondent submitted its response to the application.

11. By note verbale dated 24 August, 2011, the Registry acknowledged receipt of the Respondent's response, and by letter of the same date, transmit the response to the Applicant.

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