

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE
UNIÃO AFRICANA

013/2015
11/04/2018
(000322-000318) ON

000322

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

IN THE MATTER OF

GEORGIA J. PENNESIS (ON BEHALF OF JOHN
ROBERT PENNESIS)

v.

UNITED REPUBLIC OF TANZANIA

APPLICATION NO.013/2015

ORDER FOR CHANGING THE TITLE OF THE CASE

17 JANUARY 2018



The Court Composed of; Sylvain ORÉ, President, Ben KIOKO, Vice President, Gérard NIYUNGEKO, El Hadji GUISSÉ, Rafâa BEN ACHOUR, Solomy B. BOSSA, Angelo V. MATUSSE, Ntyam S. O. MENGUE, Marie-Thérèse MUKAMULISA; Tujilane CHIZUMILA. Chafika BENSAOULA-Judges; and Robert ENO-Registrar

In the matter of:

GEORGIA J. PENNESIS (ON BEHALF OF ROBERT JOHN PENNESIS)

represented by:

- a) Advocate Peres Seneto PARPAI
- b) Georgia J. Pennesis

V.

UNITED REPUBLIC OF TANZANIA

represented by:

- a) Ms. Sarah D. MWAIPOPO, Director, Division of Constitutional Affairs and Human Rights
- b) Mr. Baraka LUVANDA, Ambassador, Head of Legal Unit, Ministry of Foreign Affairs, East Africa, Regional and International Cooperation
- c) Ms. Nkasori SARA KIKYA, Assistant Director, Human Rights and Principal State Attorney
- d) Mr. Richard J. Kilanga, Senior State Attorney, Attorney General's Chambers
- e) Ms. Blandina KASAGAMA, Legal Officer, Ministry of Foreign Affairs, East Africa, Regional and International Cooperation

After deliberation,

Issues the following Order,

I. THE PARTIES

1. The Application was filed with the Registry of the Court on 10 May 2015 by Mrs. Georgia J. Pennesis, a national of Tanzania residing in Greece acting on behalf of her grandson Robert John Pennesis, The Application is brought against the United Republic of Tanzania (hereinafter referred to as the Respondent), for allegedly violating some of his basic rights related to nationality and immigration.
2. The Application was placed on the cause list of the Court on 16 May 2015 under reference, Application No 013/2015 - Georgia J. Pennesis (on behalf of Robert John Pennesis) v. The United Republic of Tanzania.
3. In the exchange of the written submissions, the Court notes that the said submissions are either signed by Mrs. Georgia J. Pennesis or by one Dr. A. J. Pennesis (letter of 23rd November 2016).
4. On 20 May 2017, the Court received a letter sent from the Bukoba Prison signed by Mr. Robert John Pennesis, the alleged victim himself.

II. POSITION OF THE COURT

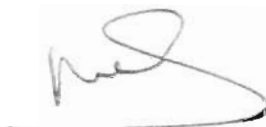
5. The Court is of the view that to avoid confusion between the alleged victim and those who are acting on his behalf, it is important to change the title of the matter.
6. The issue at hand is whether the Court can amend the title of the Application brought before it by substituting the name of the person who initially filed it on behalf of another person.
7. In the present case, based on the information available in the file, the initial Applicant is the grand-mother while Robert John Pennesis is the alleged victim.
8. Furthermore, the Court notes that the change of the title of the Application by using the name of the alleged victim instead of the name of the initial Applicant would not adversely affect either the procedural or substantive rights of the Respondent and it will bring more clarity on the title of the case.
9. Consequently, the Court deems it necessary to change the title of the case.
10. For these reasons, the Court hereby unanimously:

DIRECTS that the initial title of the Application that is Georgia J. Pennesis (on behalf Robert J. Pennesis) v. The United Republic of Tanzania be replaced with the title Robert John Pennesis v. The United Republic of Tanzania.

Done in Arusha this 17 January 2018, in English and French, the English being authoritative.

Signed

Justice Sylvain ORE, President



Dr. Robert ENO, Registrar



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