

Reference No 14 of 2019 Dr. Wairagala Isabirye Wakabi & Another v. The Attorney General of the United Republic of Tanzania

Coming up for hearing: on 30th March, 2023

Reference filed: on 24th June, 2019.

Articles: 6(d) and 7(2) of the Treaty

Rules: 25 of the EACJ Rules of Procedure, 2019.

Subject matter: Arrest, detention and deportation.

The Applicants allege that the First Applicant a Ugandan who had been invited by the Second Applicant to Tanzania to an annual commemoration of the Tanzania Human Rights Defenders Day was denied entry by the Respondent, restrained, and arbitrarily detained while being interrogated at the offices of the Immigration Department at Mwalimu Julius Kambarage Nyerere International Airport in Dar es Salaam, United Republic of Tanzania upon landing from Entebbe, Republic of Uganda,

The Applicants also allege that the First Applicant was not charged with any crime, however, he was informed by Agents of the Respondent that his name appeared on 'some list'. That the First Applicant was then deported via Jomo Kenyatta International Airport back to Uganda and he never received his belongings; among them were his passport and a copy of the Notice to Return or Convey Prohibited Immigrant. The 1st Applicant alleges that the process of naming him a prohibited immigrant was not disclosed to him; neither were the reasons for being declared as such.

It is the Applicants' case that the Respondent's actions stated above violate Articles 6(d) and 7(2) of the Treaty for the Establishment of the East African Community and Article 7 of the Protocol on the Establishment of the East African Community Common Market.

The Respondent in his response denies all the allegations by the 1st Applicant in respect to arbitrary detention, disregarding his rights and the violations of Articles 6(d) and 7(2) of the Treaty for the Establishment of the East African Community and Article 7 of the Protocol on the Establishment of the East African Community Common Market.

The Respondent further contends that the Applicant was denied entry in the Respondents territory and was deported back to his home country due to public security reasons in the Respondents State an act that is Constitutional and was conducted in line with the Procedures of the Respondents State. That there are no Articles of the EAC Treaty nor the protocols therein be violated and that the Applicant is not entitled to any remedies rather than dismissal with cost on the entire Reference.

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