

RUAHA CATHOLIC UNIVERSITY



(RUCU)

FACULTY OF LAW

**THE LEGAL ANALYSIS ON LACK OF COMPENSATION FOR WRONGFUL CONVICTED
AND LATER ACQUITTED PERSONS ON RAPE IN TANZANIA.**

**A Research Paper Submitted in Partial Fulfillments for the Award of the Bachelors of
Laws Degree (LLB) of the Ruaha Catholic University.**

BY

ZULFA S. CHONGOWE

RU/LLB/2021/034

Prepared under the supervision of

Ms. CAROLINE RUVUGA

At faculty of law

JUNE, 2025

CERTIFICATION

I, the undersigned, certify that, I have read and hereby recommend for acceptance by the Ruaha Catholic University of Tanzania, a dissertation titled *“The Legal Analysis on Lack of Compensation for Wrongful Convicted Later Acquitted Persons on Rape in Tanzania,* submitted in partial fulfillment of the requirement for award of the degree in Law (LLB) of Ruaha Catholic University of Tanzania.

.....

MS. CAROLINE, RUVUGA

(Supervisor)

.....

Date

DECLARATION

I, **Zulfa Salumu Chongowe**, do hereby declare to the senate of Ruaha Catholic University of Tanzania that, this dissertation is my original work and that it has not been presented and it will not be presented to any other university for a similar or any other degree award.

.....

(A Researcher)

.....

Date

ACKNOWLEDGEMENT

Honor and glory are to the Almighty God whose grace and mercy made it possible for me to accomplish this important achievement of my life.

My sincere gratitude goes to my supervisor who went an extra mile to assist me; I highly appreciate his contributions and helpful instructions that help me throughout this research and to this achievement.

My sincere thanks go to whole Mr. Salumu Chongowe family who had given me their financial and material support also their encouragement throughout my studies.

I owe many thanks to the Ruaha Catholic University with the leadership of Ms. Ruvuga Caroline and all other concerned staff for arranging such a programme of research in this degree.

May God bless them.

COPYRIGHT STATEMENT

All rights reserved. No part of this research shall or may be produced or reproduced in any retrieval system or transmitted in any form by any means, electronic, mechanical, photocopying, recording or otherwise in full or part without prior written permission of the Deputy Vice Chancellor for the Academic Affairs of Ruaha Catholic University, on behalf of both the copyright holder and the Ruaha Catholic University.

Zulfa Salum Chongowe

© 2025

DEDICATION

This research is dedicated to my beloved family for their support and affection. They supported me morally, financially and spiritually through the entire period of my study. May God continue bless them.

LIST OF LEGISLATION

INTERNATIONAL INSTRUMENTS

International Journal for Multidisciplinary Research (IJFMR)

United Nations Human Rights Office of the High Commissioner Report Core Instrument
& Universal Instrument

International Covenant on Civil and Political Rights (ICCPR), 1967

UN Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005)

REGIONAL INSTRUMENTS

African Charter on Human and Peoples' Rights (ACHPR), 2006

Protocol to the ACHPR on the Rights of Women in Africa, 2003

The Criminal Appeal (Scotland) Act 1927

DOMESTIC INSTRUMENTS

The Constitution of the United Republic of Tanzania of 1977

Criminal Procedure Act, Cap 20 R.E 2022

The Sexual Offences Special Provisions Act, 1998

The Penal Code (CAP 16 RE 2022)

The Innocence Protection Act, 2004

LIST OF CASES

Christopher Mtikila v Attorney General [1995] TLR HC

Adamu Shabani v Republic (2007)

Daniel & Mush v Republic (2018)

Mohamed Sainyeye v. Republic Criminal Appeal no 57 of 2010 Court of Appeal at Arusha

Furaha Michael v Republic [2025] CA 286 (TLR)

Mallya v. United Republic of Tanzania. Application No. 018/2015,

ABBREVIATIONS FOR LAWS

CPA	Criminal Procedure Act, Chapter 20 of the Laws of Tanzania.
PC	Penal Code, Chapter 16 of the Laws of Tanzania.
EA	Evidence Act, Chapter 6 of the Laws of Tanzania.
LAA	Legal Aid Act, 2017.
CURT	Constitution of the United Republic of Tanzania, 1977.
G.N	Government Notice (for subsidiary legislation, e.g., G.N. No. 115 of 1991).
ICCPR	International Covenant on Civil and Political Rights, 1966.
UDHR	Universal Declaration of Human Rights, 1948.
UNGPR	UN Guidelines on the Role of Prosecutors, 1990.
ACHPR	African Charter on Human and Peoples' Rights, 1981.
PACHPRWR	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
TLR	Tanzania Law Reports
HCD	High Court Digest
HRC	Human Rights Committee
ACHPR	African Commission on Human and Peoples' Rights
TLJ	Tanzania Law Journal (hypothetical, for Tanzanian legal scholarship).
AJIL	American Journal of International Law.
HRLR	Human Rights Law Review.
AHRY	African Human Rights Yearbook.
JAL	Journal of African Law.
ICLR	International and Comparative Law Review.
NGO	Non-Governmental Organization UN - United Nations.

UNGA United Nations General Assembly

JoT Judiciary of Tanzania

TABLE OF CONTENTS

CERTIFICATION	i
DECLARATION	ii
ACKNOWLEDGEMENT	iii
COPYRIGHT STATEMENT	iv
DEDICATION	v
LIST OF LEGISLATION	vi
LIST OF CASES	vii
ABBREVIATIONS FOR LAWS	viii
TABLE OF CONTENTS	ix
ABSTRACTS	xii
CHAPTER ONE	1
GENERAL INTRODUCTION	1
1.0 Introduction	1
1.1 Background of the Problem	2
1.2 Statement of the Problem	5
1.3 Literature Review	6
1.4 Hypothesis	9
1.5 Objectives of the Research	9
1.5.1 General objective	9
1.5.2 Specific Objectives	10
1.6 Significance of the Study	10
1.7 Research Methodology	10
1.7.2.1 Primary data collection	11

1.7.2.2 Secondary methods of data collection	11
1.8 Scope and Limitation of the Study.....	12
1.8.1 Scope of the Study	12
1.8.2 Limitation of the Study	12
CHAPTER TWO.....	13
CONCEPTUAL FRAMEWORK OF WRONGFUL CONVICTION AND COMPENSATION	13
2.0 INTRODUCTION.....	13
2.1 Implications of Wrongful Conviction	14
2.2 Impact on the Wrongfully Convicted Individual.....	14
2.3 What is Rape?.....	16
2.3.1 Types of Rape	16
2.4 Compensation is categorized into various forms as follows;	20
2.4.1 Punitive damages	20
2.4.2 Nominal damages.....	20
2.4.3 Compensatory damages.....	20
2.4.5 Liquidated damages	21
CHAPTER THREE.....	22
LEGAL FRAMEWORK ON THE COMPENSATION OF THE WRONGFULLY CONVICTED AND LATER ACQUITTED ON RAPE IN TANZANIA.....	22
3.1 INTRODUCTION	22
3.2 INTERNATIONAL LEGAL FRAMEWORK	22
3.2.1 Universal Declaration of Human Right (UDHR) 1948	24
3.2.2 International Covenant on Civil and Political Rights (ICCPR).....	24
3.2.3 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005)	25
3.3 REGIONAL INSTRUMENTS	25

3.3.1 African Charter on Human and Peoples' Rights (ACHPR).....	25
3.3.2 Protocol to the ACHPR on the Rights of Women in Africa	26
3.4 Domestic	26
3.4.1 The Constitution of the United Republic of Tanzania (1977)	26
3.4.2 Criminal Procedure Act (Cap 20 Re 2022)	27
3.4.3 Penal Code (Cap16 Re 2022)	29
3.5 Judicial Precedents	30
CHAPTER FOUR.....	33
RESEARCH FINDINGS RELATING TO COMPESATIONTION FOR WRONGFUL CONVICTED PERSONS	33
4.0 Introduction	33
4.1 The findings and discussions.....	34
4.2 Absence of Statutory Compensation Mechanism	35
4.3 State Responsibility and Restoration	36
4.3.1 Enacting Legislation	36
4.3.2 Establishing support mechanism.....	37
4.3.3 Ensuring access to justice	37
4.4 Criminal Procedure Act (CPA)	37
4.5 Penal Code.....	39
4.6 International Obligations	40
CHAPTER FIVE	42
CONCLUSION AND RECOMMENDATION.....	42
5.1 Conclusion.....	42
5.2 Recommendation	43
5.2.1 Forms of Compensation Awarded.....	44
5.2.2 Things to happen for one to receive compensation	45

5.2.3 The claims need be against the government as the prosecutors are simply agents to it.....4
5
BIBLIOGRAPHY.....47

ABSTRACTS

This research based on wrongful convictions, particularly in rape cases, where remains a serious concern in Tanzania’s justice system, where acquitted individuals are left without compensation for the injustices they endured. This paper delves into the legal shortcomings surrounding the absence of compensation for those wrongfully convicted and later exonerated. Additionally, it explores the social, psychological, and financial burdens faced by exonerated individuals, highlighting gaps in the legal system that fail to provide adequate redress. Through an analysis of existing laws, case studies, and international human rights standards, this research advocates for policy reforms to establish compensation rights for the wrongfully convicted.

CHAPTER ONE

GENERAL INTRODUCTION

1.0 Introduction

Rape was defined as sexual contact that occurs without the woman's consent, involves the use of force, threat of force, intimidation, or when the woman was of unsound mind due to illness or intoxication and involves sexual penetration of the victims vagina.¹

Victims of crime refer to persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within member states, including those laws prescribing criminal abuse of power².

A victim of crime may be a natural or juristic person. The natural person is an individual human being or a group of human beings. A juristic person on the other hand is an artificial or fictitious being which the law clothes with personality. It includes non-profit associations, companies, statutory corporations and governmental departments or agencies³.

This research will base on the analysis of the law on the absence of a comprehensive legal framework addressing compensation and responsibility for restoring justice to the wronged. Highlight a significant gap in the legal system, this study aims to shed light on the legal inadequacies, the responsible entities and the need for reform to ensure justice for the wrongful convicted.

¹ www.britannica.com (Accessed on 4th June 2025)

² United Nation Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

³ Barry, M., *Wrongful Conviction In Sexual Assault*, Oxford Press, 1st edition, 2020

1.1 Background of the Problem

The practice of compensating individuals wrongfully convicted of crimes, including rape, has evolved significantly over time. Historically, victims of miscarriages of justice had limited avenues for redress. However, the 20th century saw increased recognition of the need for legal remedies, particularly in cases involving severe offenses like rape⁴. Countries like Canada, Germany, and Japan have established statutory schemes to compensate wrongfully convicted individuals. However, the adequacy and accessibility of these schemes vary, with ongoing debates about fairness and sufficiency.

Compensation for the wrongfully convicted refers to the financial and legal remedies provided to individuals who have been exonerated after serving time for crimes they did not commit.⁵ The issue has gained prominence, particularly since advancements in DNA testing have shed light on the prevalence of wrongful convictions. By 2019, thirty-five states and the District of Columbia had enacted compensation laws, recognizing the toll of wrongful incarceration on individuals' lives. Supporters argue that the state has a moral obligation to compensate those who have suffered due to judicial errors, while critics raise concerns about the potential burdens such laws could impose on the legal system. The strength of every criminal justice system depends on its accuracy, it means its ability to convict those who are innocent but because of human error some time the innocent people are wrongfully convicted.⁶ Although the exact number of wrongfully conviction is unknown, every wrongful conviction is Miscarriage of Justice that affects all levels of our society and the impact of this wrongful conviction is long-lasting on the people who have been wrongly convicted, their families and society at large.

⁴ Barry, M., *Wrongful Conviction In Sexual Assault*, Oxford Press, 1st edition, 2020

⁵ <https://brill.com> (Accessed on 4th April, 2025)

⁶ S. Keir, *Human Right Manual and Sourcebook for Africa*, British Institute of International and Comparative Law, 2005.

In Tanzania, the legal framework for compensating victims of sexual offenses, including rape, has traditionally focused on the victim rather than the wrongfully accused. Courts have the discretion to award compensation to victims alongside criminal sentences. However, the absence of clear guidelines has led to inconsistencies and often meager compensation amounts.⁷ Also the legal framework for compensating individuals wrongfully convicted of rape has evolved gradually, influenced by broader reforms in criminal justice and human rights. While mechanisms exist for compensating victims of sexual offenses, provisions specifically addressing compensation for wrongful convictions, particularly in rape cases, remain limited and underdeveloped.

During the colonial period, the Tanzanian legal system primarily focused on maintaining public order, with little emphasis on individual rights or remedies for miscarriages of justice. Post-independence, the legal system continued to grapple with inherited colonial laws, and the concept of compensating wrongfully convicted individuals was not prominently featured in legal discourse or practice.⁸

A significant milestone occurred with different Amendment to the Constitution of the United Republic of Tanzania in 2000. Article 107A (2) (c)⁹ mandates that courts, in delivering decisions, should award reasonable compensation to victims of offenses. However, this provision primarily addresses compensation for victims of crimes rather than individuals wrongfully convicted. Also the Sexual Offences Special Provisions Act (SOSPA) of 1998 introduced mandatory compensation for victims of sexual offenses, including rape. Section 131¹⁰ stipulates that courts shall order convicted individuals to pay compensation to victims

⁷ <https://www.researchgate.net> (Accessed on 28th April, 2025)

⁸ V. Gabriel, *Restorative Justice: Promoting Peace and Wellbeing*, 2022.

⁹ The Constitution of the United Republic of Tanzania 1977

¹⁰ The Sexual Offences Special Provisions Act, 1998

for injuries caused. While this represents progress in victim compensation, SOSPA does not address scenarios where individuals are wrongfully convicted of such offenses¹¹.

Challenges in Addressing Wrongful Convictions

Tanzania's legal system faces challenges in rectifying wrongful convictions due to factors such as,

Lack of Specific Legal Provisions, there is an absence of clear statutory mechanisms for compensating individuals wrongfully convicted of crimes, including rape.¹²

Informal Settlement, in some instances, sexual offense cases is settled informally, often under societal pressure, which can undermine formal justice processes and obscure instances of wrongful convictions.

The concept of compensating individuals wrongfully convicted of criminal offenses has evolved over centuries, shaped by legal and human rights advancements worldwide.

Historically, wrongful convictions were often overlooked, with little to no recourse for the victims. However, the 20th century marked a turning point as international human rights frameworks began addressing this issue. The European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR) played vital roles in establishing the right to compensation for miscarriages of justice. Article 14(6)¹³ of the ICCPR explicitly recognizes the right to compensation for wrongful convictions, provided the conviction is reversed or pardoned due to new evidence proving innocence.

¹¹ Sexual Offences Special Provisions Act (SOSPA) of 1998

¹² <https://brill.com> (Accessed on 29th April, 2025)

¹³ International Covenant on Civil and Political Rights, 1967

In Europe the European Court of Human Rights (ECHR) has set minimum standards for compensation through its case law, influencing national legal systems to adopt mechanisms for addressing judicial errors.¹⁴

1.2 Statement of the Problem

In Tanzania rape is considered a serious criminal offense, where the Penal Code¹⁵ under section 130 provide that it is an offence for a male person to rape a girl or a woman and its punishment is imprisonment of not less than 30 years it can be similar with corporal punishment and with a fine. But the laws fail to address the problem of individuals who are wrongful convicted.

Also as per s.131 of the Penal Code¹⁶ provides that any person who is convicted of an offence may be adjudged to make compensation to any person injured by his offence and the compensation may be either in addition to or in substitution for any other punishment. From the phrase show only injured person to be injured from an offence and not convicted person by wrongful act charged led to penalties.

The absence of a structured and consistent legal framework in Tanzania for compensating individuals who have been wrongfully convicted and later acquitted of rape raises significant concerns regarding justice and human rights. This issue is particularly critical when considering the profound and often irreparable damage caused to an individual's life, reputation, and well-being due to wrongful convictions. The lack of clear guidelines on who bears the responsibility for restoring such individuals to their original state exacerbates the problem, leaving many acquitted individuals without adequate recourse or support.¹⁷

¹⁴ <https://eji.org> (Accessed on 29th April, 2025)

¹⁵ The Penal Code (CAP 16 RE 2022)

¹⁶ *Ibid*

¹⁷ A.D. Redlich, et All., *Examining Wrongful Conviction: Stepping Back, Moving Forward*, Carolina Academic Press.

Furthermore, certain effects of wrongful convictions, such as the loss of time and employment, cannot be fully compensated, adding to the complexity of the issue.

1.3 Literature Review

Barry, in his book *Conviction in Sexual Assault*, introduces new directions in wrongful conviction research and understanding. Citing Innocence Project and National Registry of Exoneration data, the book identifies sexual assault as the predominant offense type associated with confirmed wrongful convictions in the country. Johnson outlines the differential risk of wrongful conviction associated with stranger rape, acquaintance rape, and intra-familial child sexual abuse. He also introduces new terms and concepts such as black box investigation, illustrating the lack of transparency in the production of prosecution evidence a four-part stranger rape thesis; and the moral outrage moral correction process those results in cognitive and emotional factors that interfere with the evaluation of criminal evidence.¹⁸ The book also includes chapters on racial bias in rape prosecution, and the relationship of serial sex offending to wrongful.

Nicky, this book exposes the myriad of victims of wrongful conviction by going beyond the innocent person who has been wrongfully incarcerated to include the numerous indirect victims who suffer collaterally. In no way overlooking the egregious effects on the wrongfully convicted, this book widens the net to also examine consequences for family, friends, co-workers, witnesses, the initial victims of the crime, and society in general-all indirect victims who are often forgotten in treatments of wrongful conviction.

Utilizing interviews of exonerates and indirect victims, the authors capture the tangible and intangible costs of victimization across the board. The prison experience is examined through the lens of an innocent person, and the psychological impact of incarceration for the exonerate is explored. Special attention is given to the often-ignored experience of female

¹⁸ Barry M, *Wrongful Conviction in Sexual Assault*, Oxford Press, 1st edition, 2020.

exonerates and to the impact of race as a compounding factor in a vast number of miscarriages of justice. The book concludes with an overview of the victimization experiences that follow exonerates upon release.¹⁹

Unique to this book is its interdisciplinary approach to the troubling subject of wrongful conviction, combining perspectives from a number of fields, including criminal justice, criminology, victim ology, psychology, sociology, social justice, history, political science, and law. Undergraduate and graduate students in these disciplines will find this book helpful in their respective areas of study, and professionals in the system will benefit from appreciation of the far reaching costs of the wrongful convictions.

Wojciech, in their book of *Compensation for Wrongful Conviction, A Competitive Perspective*. They analyze that it is obvious although unpleasant trust that it is impossible to eliminate errors from the criminal justice system. The reconstruction of facts and their evaluation in criminal proceeding is always prone to certain risk. They may result from flawed reasoning used to argue in criminal proceeding from the application of imperfect method of proving guilty when relying on witnesses or from putting too much trust in scientific evidence that can sometimes be misleading. The risk also stem from precognitive imperfections of judges both lay and professional.

And despite lawmaker putting a great deal of effort into improving codes and rules that aim to reduce mistakes, practice shows that errors are nevertheless inevitable. They are especially hurtful when they result into deprivation of liberty and frequently result in the imprisoned individual being held in poor condition. In response to such errors states have built various system that help to reverse wrongful conviction and that allow incarcerated individual to clear their name, In recent years as there is no common approach to revision in criminal

¹⁹ J.A. Nicky & P. Margaret, *The Victomology of a Wrongful Conviction*, Routledge, 2022, 162

matters, laws allowing the revision in favor of the accused are available through various procedures under the criminal or administrative framework.²⁰

If it is acknowledged that the mistakes are inescapable and that wrongful conviction resulting into imprisonment may happen and may eventually be reversed, it is almost a natural consequence to search for an effective mechanism to compensate that wrongful conviction. Since the right to liberty protect us all from having our freedom arbitrarily taken away, states are specifically called upon to adequately respond to errors resulting in deprivation of liberty, moreover allowing for the elimination and compensation of such error is a necessary condition to legitimate the criminal justice system.²¹

Taking into account the significance of compensation for wrongful conviction also for the legitimization of the criminal justice system it is not surprising that a right to compensate has also been recognized at explicitly provided at the international level. According to Article 14(6) of International Covenant on Civil and Political Rights (ICCPR). "When person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered facts shows conclusively that there has been a Miscarriage of Justice and a person who has suffered punishment ad a result of such conviction shall be compensated according to the law²².

Huff, his book explains about creating opportunities for connection, community building and support is vital to exonerates to remake their lives successfully after exoneration. Unfortunately the tools they need to support this process typically are not available after release because their needs remain invisible to the very system that created their injustice. The aftermath experience of exonerated death row survivors reveals complex needs that

²⁰ J. Wojciech & K. Karolina, *Compensation for Wrongful Conviction*, a Comparative Perspective, Routledge 2023.

²¹ <https://www.numberanalytics.com> (Accessed on 30th April, 2025)

²² International Covenant on Civil and Political Rights (ICCPR), 1967

mostly remain unmet after exoneration. Their basic needs coalesce around three primary categories health care needs, financial needs, and legal needs. Their health care needs include medical and dental care, mental health services, time and place to relearn, socialize and decompress before the full weight of personal independence sets in financially they leave prison with very little having invested their resources in fighting their wrongful conviction.²³

They emerged from prison with no savings few job skills and in some case little financial support from family and friends. Yet they must find a place to live provide for their own subsistence buy new clothing and locate reliable transportation. They need immediate transitional funds and long term assistance to find employment or pursue education and/or training, finally when they emerge from prison some may erroneously believe that their legal needs have been resolved.

1.4 Hypothesis

It seems that penal code does not provide a comprehensive mechanism for compensating individuals who are wrongfully convicted and later acquitted on rape in Tanzania.

1.5 Objectives of the Research

1.5.1 General objective

To analyze the legal framework and identify gaps in the compensation process for individuals wrongfully convicted and later acquitted of rape in Tanzania, with a focus on determining who is responsible for restoring these individuals to their original state and addressing the effects that cannot be fully compensated, such as the loss of time and employment.

²³ Huff & Killias, *Wrongful Conviction and Miscarriage of Justice, Causes and Remedies in North America and European Criminal Justice System*, 2013.

1.5.2 Specific Objectives

- i. To evaluate the laws on governing compensation for the wrongfully convicted person.
- ii. Compensation has to be measured as to cure the problems like tortures and lack of important opportunities

1.6 Significance of the Study

The research based on the issue of justice for wrongfully convicted individuals in Tanzania focusing on rape cases, compensation and restoration of dignity for acquitted persons, by examining gaps in the current system aims at promoting and strengthening human right protection.

Whereas the main concerns basically on the effects basing with what supposed to be ad d for what made a person convicted and offences charged against him to serve what a charge.

As this study made a suitable framework towards the wrongfully convicted of a rape crime in Tanzania while lacks compensation on the time, damage, torts, and any other effects upon the charge and effects that affects him. With a focus on determining who is responsible for restoring these individuals to their original state and addressing the effects that cannot be fully compensated, such as the loss of time and employment.

1.7 Research Methodology

1.7.1 Research Design

The researcher used doctrinal legal research whereas doctrinal research based on making examination and analysis on the laws governing compensation for wrongfully convicted persons.

1.7.2 Methods of data collection

1.7.2.1 Primary data collection

The researcher used the doctrinal method of data collection like legislations and cases in collecting the information.

1.7.2.2 Secondary methods of data collection

These include books, articles, judicial decisions, journals and internet sources. This had because I was looking at generally what has been done or needs to be done for the protection of victims of rape crime in the country Tanzania. This can be looked at best by reading and analyzing what scholars have wrote about Rape victims. How the criminal justice system has treated victims of crime and this has looked at through case law. The research was qualitative in nature.

1.7.3 Research Analysis

This research focused on identifying key legal, procedural, and human rights issues surrounding the lack of compensation for wrongfully convicted and later acquitted persons on rape charges in Tanzania. It involves critical examination of statutory provisions, such as the Criminal Procedure Act, the Constitution of Tanzania and international instruments like the ICCPR and the African Charter, to assess whether they provide sufficient protection or remedies. Case law analysis used to evaluate judicial attitudes toward wrongful convictions and compensation. Document reviews from stakeholders such as legal experts, human rights bodies, or affected individuals are analyzed to highlight real-life consequences, legal gaps, and systemic challenges.

1.8 Scope and Limitation of the Study

1.8.1 Scope of the Study

This research was generally revolved around wrongfully convicted and later acquitted in Tanzania. Specifically, it looked at the rights of the compensation on the wrongfully conviction of the person while later acquitted and served a time that addressed by the court while many opportunities have lost due to the criminal cases; whether they are clearly specified. It looked at the current criminal justice system in Tanzania; whether it favors the victim or not.

It was also focus on what the Government of Tanzania is doing or ought to be doing to redress the harm suffered by victims basing to the wrongfully conviction in Tanzania.

1.8.2 Limitation of the Study

The challenges were like not having enough time to gather information and facing difficulties in getting data from field like prison and all access to the victim concerning rape where proven it wrong convicted and none adhered to compensate them.

Social welfare officers were busy with court sessions, but interviews were eventually arranged. Financial issues and a lack of literature on the topic were also obstacles. To address these challenges, the researcher used time wisely, managed finances carefully, and focused on areas where good results could be achieved.

Despite the difficulties, the research completed successfully regarding to the effort towards the problem that has been facing various Tanzanian individuals in the wrongfully convicted and lacks to be compensated in the rape cases.

CHAPTER TWO

CONCEPTUAL FRAMEWORK OF WRONGFUL CONVICTION AND COMPENSATION

2.0 INTRODUCTION

The strength of our criminal justice system depends on its accuracy, its ability to convict the guilty and to clear the innocent. But we know that wrongful convictions happen. Identifying and understanding the causes of wrongful convictions is critical to maintaining the integrity of our justice system.²⁴

Wrongful conviction: When the wrong person is convicted of a crime or a person is convicted of a crime that never occurred. In this discussion, the term is generally used to refer to factually innocent persons convicted of crimes they did not commit, rather than persons not found guilty, due to procedural or technical reasons, of crimes they may or may not have committed.

Wrongful conviction occurs when an individual is found guilty of a crime they did not commit, often due to errors like false accusations, flawed evidence, or systemic biases. In cases of rape, the implications are particularly severe, as the stigma surrounding such crimes amplifies the consequences. Wrongful convictions, where innocent individuals are wrongly convicted of crimes, are a serious issue. Several factors contribute to these cases, including eyewitness misidentification, false confessions, police or prosecutorial misconduct, and flawed forensic evidence. Eyewitness misidentification is the leading cause of wrongful convictions.²⁵

²⁴ <https://lnij.ojp.gov>(Accessed on 1th May, 2025)

²⁵ Nnamdi Azikiwe, *University Journal of International Law and Jurisprudence*, vol11 no 2, 2020

2.1 Implications of Wrongful Conviction

A wrongful conviction has far-reaching and deeply damaging consequences not only for the innocent person convicted, but also for the justice system, the actual victims of the crime, and society as a whole.²⁶

2.2 Impact on the Wrongfully Convicted Individual

Loss of Freedom

Innocent people may spend years, even decades, behind bars often in harsh conditions. They miss out on major life events such as family milestones, education, and career opportunities.

This involves imprisonment or detention, where a person is physically confined and restricted from leaving. This is often associated with criminal justice processes, but can also apply in other situations where someone is not free to leave²⁷.

Psychological Trauma

Incarceration can lead to mental health issues like depression, anxiety, and emotional breakdown. The stigma of being labeled a criminal often continues even after exoneration.

The word “trauma” comes from the Greek and means damage or harm. It also contains a double reference to a wound with a laceration. Initially about the medical-surgical disciplines, during the eighteenth century, the term was used in psychiatry and clinical psychology to indicate the overwhelming effect of a stimulus on the individual’s ability to cope with emotional and psychological trauma occurs when extraordinarily stressful events shatter your sense of security. Psychological trauma can leave you struggling with upsetting

²⁶ <https://www.scholarworks.sju.edu> (Accessed on 1st May, 2025)

²⁷ Huff & Killias, *Wrongful Conviction and Miscarriage of Justice, Causes and Remedies in North America and European Criminal Justice Systems*, 2013.

emotions, memories, and anxiety that won't go away. It can also leave you feeling numb, disconnected, and unable to trust other people²⁸.

Traumatic experiences often involve a threat to life or safety, but any situation that leaves you feeling overwhelmed and isolated can result in trauma, even if it doesn't involve physical harm. It's not the objective circumstances that determine whether an event is traumatic, but your subjective emotional experience of the event. The more frightened and helpless you feel, the more likely you are to be traumatized²⁹.

Social Isolation and Stigma

Even after being cleared, many exonerate face suspicion and rejection from society, employers, and sometimes even family members.³⁰

Are significant consequences for individuals involved in the criminal justice system, impacting their ability to reintegrate into society and potentially increasing recidivism? These effects extend beyond the individual, influencing family dynamics and community relationships. Stigma can lead to barriers in employment, housing, and social participation, exacerbating financial instability and isolation³¹.

Financial Hardship

Time spent in prison means loss of income and future job opportunities. Some may leave prison with no savings, employment, or government support.

Compensation for individuals wrongfully convicted of rape is a form of redress aimed at acknowledging the injustice they suffered and helping them rebuild their lives. It is both a

²⁸ www.hepgate.org.com (Accessed on 4th June, 2025)

²⁹ Huff & Killias, *Wrongful Conviction and Miscarriage of Justice*, Causes and Remedies in North America and European Criminal Justice Systems

³⁰ <https://papers.ssm.com> (Accessed on 4th June, 2025)

³¹ Wojciech, J. & Karolina, K. *Compensation for Wrongful Conviction*, A Comparative Perspective, Routledge 2023.

legal and moral obligation of the state to provide this support, as wrongful convictions often lead to devastating emotional, social, and financial consequences.³²

2.3 What is Rape?

Rape can be described as the force penetration of the vagina or anus of any person with any part of the body of another person or any object, against their will or consent.³³

Consent means the act of agreeing to something or giving permission for it to happen.

2.3.1 Types of Rape

Rape can take many forms, depending on the circumstances, relationship between the parties, and means used, Legal definitions vary by jurisdiction, but the following are widely recognized types of rape under criminal and international law:

Statutory Rape

This type of rape it involves sexual activity with a minor (a minor is a person below the legal age of consent), even if the minor appears to consent then consent is not legally valid due to the age of the victim.³⁴ Example; a 25-year-old having sex with a 15-year-old in a jurisdiction where the age of consent is 18 it amount to statutory rape. National and regional governments, citing an interest in protecting young people from sexual exploitation, treat any sexual contact with such a person as an offense even if he or she agrees to or initiates the sexual activity. The offense is often based on the fact that people under a certain age do not have the capacity to give consent. The age at which individuals are considered

³² <https://www.cambridge.org> (Accessed on 5th June, 2025)

³³ <https://www.britannica.com> (Accessed on 5th June, 2025)

³⁴ <https://www.womenslaw.org> (Accessed on 5th June, 2025)

competent to give consent, called the age of consent, varies in different countries and regions.³⁵

Marital or Spouse rape

This type of rape it occurs when one spouse forces the other to engage in sexual activity without consent. Historically some legal system did not recognize rape within marriage but laws have evolved to acknowledge that consent is required in all sexual relationship including marriage. Marital marriage can involve physical force, coercion, threat or manipulation. The violence, loss of control, and betrayal of trust are the most significant features to any rape victim. Women raped by their husbands are often traumatized at the most basic level, which concerns trust, and experience the greatest long-term impacts of all types of rape victims. The majority of state rape laws contain a spousal exemption. States where marital rape is a crime have not had the flood of unjustified complaints predicted by the opponents of such laws. As long as marital rape is legal, our society condones it.³⁶ Example: A husband forcing sexual intercourse on his wife without her consent.³⁷

In many jurisdictions, marital rape is explicitly criminalized and punishable by law, often with similar penalties to non-marital rape. The lack of consent is the defining factor, and it's considered a crime even if the sexual act occurs within the context of marriage. However, it's important to note that the legal status of marital rape varies significantly by country and region, with some countries still having laws that exclude it from criminal prosecution.³⁸

Acquaintance or Date Rape

³⁵ *Ibid*

³⁶ D. Finkelhor, *Marital Rape* (From Rape and Sexual Assault), 1985 p 146- 158

³⁷ B. Hellen, *Rape in Early England, Law , History and Criticism*

³⁸ <https://rapecrisis.org.uk> (Accessed on 10th June, 2025)

Rape committed by someone the victim knows, such as a friend, partner, classmate, or date. Often occurs in settings like homes, dormitories, or parties. Victims may face social pressure or self-blame making this type widely underreported.

Gang or group rape

Gang rape is defined as a sexual offense by more than one perpetrator. Peer pressure to participate in the sexual offense is a key factor in gang or group rape. Be aware that use of alcohol and drugs contributes to instances of such rape.³⁹ Gang rape occurs when a group of people participate in the rape of a single victim. Rape involving two or more violators, is widely reported to occur in many parts of the world.

One study showed that offenders and victims in gang rape incidents were younger with a higher possibility of being unemployed. Gang rapes involved more alcohol and other drug use, night attacks and severe sexual assault outcomes and less victim resistance and fewer weapons than individual rapes. Another study found that group sexual assaults were more violent and had greater resistance from the victim than individual sexual assaults and that victims of group sexual assaults were more likely to seek crisis and police services, contemplate suicide, and seek therapy than those involved in individual assault.⁴⁰

Stranger rape

It refers to a sexual assault perpetrated by someone who is previously unknown to the person they assault. In stranger rape, the offender and the victim have no prior relationship

³⁹ <https://rapecrisis.org.uk> (Accessed on 10th June, 2025)

⁴⁰ <https://www.womenslaw.org> (Accessed on 15th June, 2025)

or interaction before the incident. Its characteristics include no prior relationship, use of force such threat, trauma and impact.⁴¹

2.4 Compensation

It refers to the payment or reparation made to an individual or group to make up for loss, damage or injury or suffering. It aiming to restore the affected party as a closely as possible to the position they were in before the harm occurred. Or can be referred to the remedy provided to a person who has suffered loss or injury due to another's unlawful act or breach of duty.⁴²

The right to compensation and rehabilitation of victims of rape is provided, expressly or impliedly by the constitution itself and various enactments. This context will be discussed under, the constitutional provision as to fundamental rights could be widely interpreted so as to include rights of the victims of crime including right to compensation⁴³

The principle of payment of compensation to the victim of crime was evolved by Supreme Court on the ground that it is duty of the welfare state to protect the fundamental rights of the citizens not only against the actions of its agencies but is also responsible for hardships on the victims on the grounds of humanitarianism and obligation of social welfare, duty to protect its subject, equitable Justice⁴⁴

⁴¹ <https://utppublishing.com> (Accessed on 15th June, 2025)

⁴² <https://www.merriam-webster.com> (Accessed on 6th June, 2025)

⁴³ International Journal for Multidisciplinary Research (IJFMR)

⁴⁴ *Ibid*

2.4 Compensation is categorized into various forms as follows;

2.4.1 Punitive damages

It is awarded in exceptional cases where the defendant conduct was willful malicious, reckless or grossly negligent. It aims at punishing the wrongdoer and prevents similar acts in the future.⁴⁵

Punitive damages are awarded to punish the wrongdoer for egregious misconduct and deter similar behavior; they are not tied to the victims losses but to the severity of the defendant's actions (example state or prosecutorial misconduct). Purpose to hold accountable those responsible for systemic failures, such as flawed investigations or judicial errors. Relevance to wrongful convictions: in rape cases, punitive damages could target state actors (e.g., police or prosecutors) for negligence or misconduct leading to wrongful convictions, signaling a commitment to justice⁴⁶.

2.4.2 Nominal damages

Refers to a trivial sum of money awarded to a plaintiff whose legal right has been technically violated but who has not established that they are entitled to compensatory damages because there is no accompanying loss or harm.

2.4.3 Compensatory damages

Are money awarded to an injured party that compensate for damages, injury or another incurred loss. Compensatory damages are awarded in civil Court cases where loss has occurred as a result of the negligence or unlawful conduct of another party.⁴⁷

⁴⁵ Y. Mukesh et all, *Compensation and Rehabilitation of Rape Survivors*, a constitutional right, vol. 36 no3, 2014.

⁴⁶ [1969] HCD 234

⁴⁷ <https://plane.com>(Accessed on 20th June, 2025)

Compensatory damages aim to restore the injured party to the position they would have been in had the harm not occurred. They cover material losses: economic damages, such as lost wages, legal fees, or medical expenses. On-material losses: emotional distress, reputational harm, or loss of liber purpose: to compensate for actual harm suffered, ensuring fairness and restitution. Relevance to wrongful convictions in rape cases, compensatory damages would address the loss of freedom e.g. years imprisoned, economic hardship, social stigma, and psychological trauma faced by the wrongfully comb⁴⁸.

2.4.5 Liquidated damages

This are the pre-agreed sum of money that parties in a contract stipulate will be paid as compensation before a breach occurs. Liquidated damages are designed to compensate the non-breaching party for their losses and not to penalize the breaching party.⁴⁹

⁴⁸ *Ibid*

⁴⁹ <https://www.academia.edu> (Accessed on 20th June, 2025)

CHAPTER THREE

LEGAL FRAMEWORK ON THE COMPENSATION OF THE WRONGFULLY CONVICTED AND LATER ACQUITTED ON RAPE IN TANZANIA

3.1 INTRODUCTION

The wrongly convicted this refers to a person who has been charged, convicted and punished for the crimes they did not commit. One can only be said to be wrongly convicted if the conviction is quashed by the same court or the higher court⁵⁰. The problem is it is not very easy to achieve this stage of quashing the conviction and in most cases it occurs after one has been released, pardoned or even executed.

Whereas the study is stating basing to the International Perspective and National legal Framework areas;

3.2 INTERNATIONAL LEGAL FRAMEWORK

The International Covenant on Civil and Political Rights under Article 14 (6) provides clearly that if one is wrongly convicted then he is entitled to compensation and this can be made sure possible by the state⁵¹.

According to International Covenant on Civil and Political Rights of 1976 Article 14(1) provides that all persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone

⁵⁰ www.merriam-webster.com (Accessed on 20th June, 2025)

⁵¹ Engel, N. & Kehl. P, *United Nation Covenant on Civil and Political Right: Covenant on Civil and Political Rights Commentary, 2nd Edition*, (2005), 27

shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law⁵².

Also as per article 14(6) provides that when a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him⁵³.

The international covenant therefore gives a way forward for states to make it possible to compensate the wrongly convicted but as seen in Tanzania the law⁵⁴ Thus Criminal Procedure Act only covers those convicted as a result mistaken identity as seen in its section 61 which says;

Where it is established on evidence that a person has been convicted by mistaken identification as a result of which he is prosecuted punished or he suffers any loss or injury, that person or his legal representative if that person dies, shall be entitled to such reasonable compensation as if he were a victim of crime⁵⁵

Such a very limited scope provision makes the prosecution side to use such loop hole to act maliciously or negligently and leading to miscarriage of justice as seen in the previous chapters that wrongful conviction can be brought about by various factors as herein revised to be eye witness identification, witness perjury, damaging effect of previous criminal conviction, coerced confession, irresponsible expert testimony and poor representation due to poverty, the use of inmate informants who would tell anything to have a better

⁵² International Covenant on Civil and Political Rights of 1976

⁵³ International Covenant on Civil and Political Rights of 1976

⁵⁴ United Nations Human Rights Office of the High Commissioner Report Core Instrument & Universal Instrument www.ohchr.org.com (Accessed on 22st June, 2025)

⁵⁵ Criminal Procedure Act (CAP 20 RE 2022)

treatment in prison⁵⁶. All these lead an innocent person to be convicted for the crime done by someone else.

3.2.1 Universal Declaration of Human Right (UDHR) 1948

Article 8 of the Universal Declaration of Human Rights (UDHR) states that "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted (to them) by the constitution or by the law."

This provision establishes the principle that individuals whose fundamental rights have been violated including those wrongfully convicted and later acquitted should have access to legal remedies. In the context of wrongful convictions and acquittals in Tanzania, this article supports the argument that individuals who have suffered injustice due to wrongful imprisonment should be entitled to compensation or other forms of reparation. Also the law does not address directly the issue of people who are wrongful convicted to be restored to their original state before the harm⁵⁷.

3.2.2 International Covenant on Civil and Political Rights (ICCPR)

Article 14(6), When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him. Relevance, Tanzania, a signatory since

⁵⁶ Joseph. S, Schultz. J. & Castan. M, *The International Covenant on Civil and Political Rights. Cases, Materials, and Commentary*, 2nd Edition, Oxford University Press, London; England, p.14. (2006)

⁵⁷ *UN General Assembly Resolution 217A (1948)*.

1976, is obligated to compensate for miscarriages of justice, including wrongful rape convictions, regardless of the cause⁵⁸.

*Cabal v. Mexico (Human Rights Committee, Communication No. 1248/2004, (2005)*⁵⁹ where the Committee emphasized that compensation must cover material and non-material damages.

3.2.3 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005)

Principle 11, States must provide adequate, effective and prompt reparation for human rights violations, including compensation and rehabilitation. Compensation should address economic losses, emotional distress, and reputational harm, critical in rape cases due to severe social stigma⁶⁰.

3.3 REGIONAL INSTRUMENTS

3.3.1 African Charter on Human and Peoples' Rights (ACHPR)

Article 7(1), every individual shall have the right to have his cause heard. This comprises (a) the right to an appeal to competent national organs against acts violating his fundamental rights Article 21(2), Provides for compensation for violations of rights. Tanzania, a party since 1984, must ensure remedies for fair trial violations, including wrongful convictions⁶¹. *Zimbabwe Human Rights NGO Forum v. Zimbabwe (ACHPR, 2006)*⁶², affirming state responsibility to compensate for rights violations.

⁵⁸ International Covenant on Civil and Political Rights (ICCPR), 1967

⁵⁹ (2005)

⁶⁰ UN Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005)

⁶¹ African Charter on Human and Peoples' Rights (ACHPR), 2006

⁶² ACHPR, (2006).

3.3.2 Protocol to the ACHPR on the Rights of Women in Africa

Article 4, Protects against violence, including rape, and implies fair treatment for all parties, including those wrongfully accused. Ensures balanced justice, preventing bias in rape cases that may lead to wrongful convictions. Adopted 2003, ratified by Tanzania in 2007⁶³.

3.4 Domestic

3.4.1 The Constitution of the United Republic of Tanzania (1977)

The Constitution of the United Republic of Tanzania (1977) guarantees the right to a fair trial and protection against unlawful detention. Article 13 ensures equality before the law, by stating that all persons are equal before the law and are entitled, without any discrimination, to protection and equality before the law⁶⁴.

The Constitution of Tanzania, 1977, Article 13(6), Guarantees equality before the law and fair trial rights. Article 107A Ensures judicial independence implying accountability for errors. Whereas under the CURT made a basic rights of all citizens as per law stipulates to so⁶⁵.

As in the case of *Christopher Mtikila v Attorney General [1995] TLR HC*

This case challenged Tanzania's ban on independent political candidates, arguing that it violated constitutional rights, including equality before the law. The Tanzanian High Court initially ruled in favor of Reverend Christopher Mtikila, allowing independent candidates. However, the government later passed legislation reinstating the ban. The case was eventually brought before the African Court on Human and Peoples Rights, which ruled that the ban was unconstitutional⁶⁶.

⁶³ Protocol to the ACHPR on the Rights of Women in Africa, 2003

⁶⁴ The Constitution of the United Republic of Tanzania of 1977

⁶⁵ *Ibid*

⁶⁶ [1995] TLR HC

Whereas, Article 15 protects personal liberty, every person has the right to freedom and to live as a free person. For the purposes of preserving individual freedom and the right to live as a free person, no person shall be arrested, imprisoned, confined, detained, deported or otherwise be deprived of his freedom save only in the execution of a judgment, order or a sentence given or passed by the court following a decision in a legal proceeding or a conviction for a criminal offence⁶⁷. This imply that there is no equality of people and it goes contrary with Article 12 of the constitution when it comes to the issue of not to restore a person whose right of being treated equally like others has been violated.

3.4.2 Criminal Procedure Act (Cap 20 Re 2022)

The Criminal Procedure Act (CPA) outlines procedures for criminal trials and includes provisions for appeals. If a conviction is overturned, the CPA provides for the possibility of compensation, though specific mechanisms may need to be clarified through case law.⁶⁸

The Criminal Procedure Act does not provide a formula for conversion of fines imposed in addition to jail term or compensation awarded to the victim to imprisonment where the offender defaults to make such payment as ordered. However, section 336 of the Criminal Procedure Act, limits the prison term for failure to pay compensation or fine to a maximum of 6 months jail term unless the provisions under which the offender was convicted allows imposing a longer term than six months for failure to pay the fine or compensation⁶⁹.

The CPA empowers courts to award compensation to victims of crimes. Specifically, Section 348A mandates that courts, upon convicting an individual of a sexual offence, must order the convict to pay compensation to the victim. However, the CPA does not provide provisions for compensating individuals who have been wrongfully convicted and later

⁶⁷ The Constitution of the United Republic of Tanzania of 1977

⁶⁸ *Ibid*

⁶⁹ www.fbattorney.co.tz Execution of Fine and Compensation Order (Accessed on 22th June, 2025)

acquitted. While Section 347⁷⁰ allows courts to order compensation from complainants in cases deemed frivolous or vexatious, this is discretionary and limited in scope.

The law it provides a legal framework for criminal proceedings, including provisions for compensation in cases of wrongful convictions, particularly those arising from mistaken identity. However, its application, particularly in cases of wrongful convictions for serious offenses like rape followed by acquittal, reveals significant gaps and challenges that contribute to a lack of effective compensation.

The CPA includes provisions for compensating individuals wrongfully convicted due to mistaken identity as outlined in Section 61(1) Where it is established on evidence that a person has been convicted on a mistaken identification as a result of which he is prosecuted punished or he suffers any loss or injury, that person or his legal representative if that person dies shall be entitled to such reasonable compensation as if he were a victim of crime⁷¹.

Section 61(2) the compensation payable under this section and all other matters to be followed regarding the amount of compensation, its assessment and manner of payment shall be governed by section 37 This section generally empowers courts to order compensation to victims of crimes but does not provide specific guidelines for assessing or administering compensation in cases of wrongful conviction⁷².

As in the case of Furaha Michael v Republic [2025] CA 286 (TLR)⁷³

The appellant was charged and convicted of rape. He was sentenced to 30 years imprisonment and ordered to pay compensation to the victim of shillings 300,000 upon completion of his sentence. His first appeal was unsuccessful, so he appealed a second time, claiming that he was not properly identified, breach of criminal procedure and the fact that

⁷⁰ Criminal Procedure Act, Cap 20 R.E 2022

⁷¹ *Ibid*

⁷² Criminal Procedure Act, Cap 20 R.E 2022

⁷³ (2025) CA 286 TLR

the court did not allow him to call a defence witness. The Court found no merit in the appeal and upheld the conviction. It applied and followed the case of Selemani Makumba versus R Criminal Appeal, Court of Appeal of Tanzania at Mbeya 1999 (unreported). The Appellate Court considered whether or not the complainant had been raped by the appellant and concludes that “True evidence of rape has to come from the victim, if an adult, that there was penetration and no consent and in the case of any other woman where consent is irrelevant, that there was penetration.

However section 470 of the same Act says if it is the fault of the accused which led to his wrongful convicting then he would not be compensated where section 471 provides time limitation for institution of such case and which court will have jurisdiction.⁷⁴ Therefore this section talks about compensating the wrongful convicted if it proved innocent but that compensation given is not sufficient so the law is not clear on the issue of compensation to the wrongful convicted.

3.4.3 Penal Code (Cap16 Re 2022)

The Penal Code, it does not provide a comprehensive mechanism for compensating individuals who are wrongfully convicted and at what circumstances the accused will be compensated after completed the jail imprisonment and was wrongly convicted under the law and procedural followed.

Under section 31 of the Penal Code provides that in accordance with the provisions of section 348 of the Criminal Procedure Act, any person who is convicted of an offence may be adjudged to make compensation to any person injured by his offence and the compensation may be either in addition to or in substitution for any other punishment⁷⁵.

⁷⁴ Criminal Procedure Act (CAP 20 RE 2022)

⁷⁵ Penal Code (CAP 16 RE. 2022)

It is important to note that fine and compensation are listed under section 25(d), (f) of the Penal Code as one of the forms of penalties which a Court may impose upon an offender⁷⁶. Whereas, the compensation imposed in respect to the accused offences that he or she committed in effects of the law enforcement and legal perspective of the law. And such compensation its basing to the accused to pay one affected with the action that proved beyond reasonable doubts.

Fine and custodial sentence may be imposed to run concurrently where the provisions creating the offence charged prescribe both offences by using the word and conjunctively⁷⁷.

Tanzania had no statute dedicated for compensation of wrongly convicted but later learned from its mistakes and made initiatives to change and have a law on the compensation of erroneously condemned by the law courts but still the law failed to cover the area of compensating fully individuals who are wrongful convicted and restoring this people to a good condition of their new life but rather laws favors the injured party to be compensated.

3.5 Judicial Precedents

Courts have occasionally awarded compensation based on principles of equity and justice. The judiciary plays a crucial role in interpreting laws related to wrongful convictions. While Tanzania does not have a dedicated statute for compensation, the following mechanisms are relevant.

Having no law makes it more difficult to have compensation of wrongly convicted in practice for example *Adamu Shabani v Republic (2007)*⁷⁸ was convicted in 1984 for 30 years imprisonment for having carnall knowledge with a minor of 17 years which makes it statutory rape but after spending years in prison he was cleared in 2007 by the High Court

⁷⁶ Penal Code (CAP 16 RE. 2022)

⁷⁷ www.fbattorney.co.tz Execution of Fine and Compensation Order (Accessed on 25th June, 2025)

⁷⁸ (2007)

at Dodoma under title Judicially Exonerated Released. The reason for his release was the prosecution side did not prove beyond reasonable doubt that the girl was under 18 years. But strange enough he received nothing from those who inflicted such pain upon him.

This led to the enactment of The Criminal Appeal (Scotland) Act 1927⁷⁹ which increased the jurisdiction of the Scottish Court of Criminal Appeal and the Scottish Criminal Cases Review Commission (SCCRC) established April 1999. Which reviewed cases which are suspected to?

There have been various cases in Tanzania where justice is miscarried but no measure is taken as to favour the present and future victims of the wrongful conviction so Scotland is the best example to show that the same facilities can be used by extending their powers to cover various issues like of compensation of the wrongly convicted

In the gang rape case of *Daniel & Mush v Republic (2018)*⁸⁰ as well as in several other cases involving charges of rape, the appeal court found that the accused had not been properly informed of the charges they were facing.

During argument of the appeal, the state attorney had assailed the charge against the accused, Daniel and Mushi, saying that the charge sheets did not state the definition and category of rape that the accused faced. Rather, it simply stated that they were charged with gang rape contrary to Section 131A (1) of the Penal Code⁸¹. In fact, said the appeal judges, the charge sheet should have quoted section 130 (1) (2) (a) of the Code and should have cited the provision for punishment if convicted. Without this information the accused did not know, from the start of the trial, “what would be the punishment” on conviction.

⁷⁹ The Criminal Appeal (Scotland) Act 1927

⁸⁰ (2018)

⁸¹ Penal Code (CAP 16 RE.2022)

Not to do so meant that the trial had been fatally defective and the trial of the accused was not fair. Both conviction and sentence were set aside and the judges ordered that the two accused were to be released from prison unless they are otherwise lawfully held.⁸²

Also in the case of *Mohamed Sainyeye v. Republic*⁸³ who was charged with rape and unnatural offence contrary to sections 130(1) (2), 131(1) and 154 of the Penal Code⁸⁴. He was convicted as charged and sentenced to 30 years imprisonment and payment of 10,000 fine by the District court at Arusha two years on appeal was exonerated by the Court of Appeal at Arusha on ground that the PW were not credible especially the complainant Angela Bernard so served time for a crime he did not commit. Monetary compensation should not act as a substitute but on top of other compensations like health care monitoring, payment for psychological treatment, done to the accused person.

In addition, the appeal was upheld in further cases because the trial was a nullity due to fundamental defects in the way the matter was conducted, and the accused was to be set free.

⁸² <https://www.researchgate.net>. (Accessed on 25th June, 2025)

⁸³ Criminal Appeal no 57 of 2010 Court of Appeal at Arusha

⁸⁴ Penal Code, Cap. 16 [R.E. 2022]

CHAPTER FOUR

RESEARCH FINDINGS RELATING TO COMPENSATION FOR WRONGFUL CONVICTED PERSONS

4.0 Introduction

This chapter presents an analysis of research findings on the existing legal framework governing compensation for wrongful convictions. It explores gaps in the justice system, highlighting the inadequacies in addressing the restoration of affected individuals. By examining relevant statutes, judicial precedents, and international legal standards, this study seeks to determine whether Tanzania has sufficient legal provisions to compensate and restore those unjustly accused and detained. Furthermore, it identifies the responsible entities such as government institutions, the judiciary, and human rights commissions that should play a role in ensuring fair restitution. Particularly in sensitive cases such as rape and to evaluate the extent to which affected individuals are restored, both legally and socially⁸⁵.

This chapter presents the findings derived from case studies, and documentary analysis regarding the restoration of individuals who have been wrongfully convicted and later acquitted, with a focus on the Tanzanian legal context. The purpose of this chapter is to explore how the Tanzanian legal system addresses or fails to address the consequences of wrongful convictions, particularly in sensitive cases such as rape, and to evaluate the extent to which affected individuals are restored, both legally and socially⁸⁶.

The wrongful conviction and subsequent acquittal of individuals accused of rape in Tanzania raises serious concerns about justice, human rights, and the integrity of the legal system.

⁸⁵ <https://wclawr.org> (Accessed 26th June, 2025)

⁸⁶ <https://ejj.org> (Accessed on 26th June, 2025)

While acquittal legally clears an individual's name, the consequences of wrongful conviction such as loss of time, damaged reputation, missed career opportunities, and psychological distress, often persist long after their release. Despite the fundamental principle that justice should restore those harmed by legal errors, Tanzania lacks a structured compensation mechanism for those who endure wrongful imprisonment before being acquitted.

Beyond the legal aspects, this chapter also discusses the broader impact of wrongful convictions on individuals and society. It evaluates the economic, psychological, and social effects on those who have been unjustly imprisoned and later acquitted. By analyzing real cases and policy gaps, the chapter aims to provide a comprehensive understanding of the challenges faced by affected individuals and proposes strategies for legal reforms that could ensure justice, rehabilitation, and compensation⁸⁷.

4.1 The findings and discussions

In this chapter contribute to the broader discourse on human rights protection and the need for legislative reforms. Establishing a compensation mechanism for wrongful convictions would not only safeguard the rights of accused individuals but also strengthen public trust in Tanzania's judicial system. As elaborated in the objectives as follows;

To analyze the legal framework and identify gaps in the compensation process for individuals wrongfully convicted and later acquitted of rape in Tanzania, with a focus on determining who is responsible for restoring these individuals to their original state and addressing the effects that cannot be fully compensated, such as the loss of time and employment.⁸⁸

Wrongful convictions, particularly in cases of rape, inflict profound and lasting harm on individuals. In Tanzania, the legal system provides mechanisms for compensating victims of

⁸⁷ <https://library.kbcc.cuny.edu> (Accessed on 26th June, 2025)

⁸⁸ <https://innocencenetwork.org> (Accessed p0n 26th June, 2025)

crimes, it lacks a comprehensive framework to address the plight of individuals wrongfully convicted and later acquitted. This analysis examines the existing legal provisions, identifies gaps in the compensation process for such individuals, and explores the responsibilities of the state in restoring their rights and addressing the consequences of wrongful convictions.

Tanzania's legal system, rooted in common law traditions, emphasizes the punishment of offenders and the compensation of victims. Under Section 131⁸⁹ of the Penal Code, courts can order offenders convicted of rape to pay compensation to victims. However, there is no statutory provision for compensating or restoring individuals who have been wrongfully convicted and later acquitted. This absence leaves a significant gap in the legal framework, failing to address the injustices suffered by the wrongfully convicted.

Internationally, Article 14(6)⁹⁰ of the International Covenant on Civil and Political Rights (ICCPR), to which Tanzania is a party of it, stipulates that individuals who have suffered punishment due to a miscarriage of justice should be compensated according to law. But despite this obligation, Tanzania has not enacted domestic legislation to operationalize this right, rendering it ineffective in practice.

4.2 Absence of Statutory Compensation Mechanism

The lack of a statutory framework means that individuals wrongfully convicted have no clear legal pathway to seek redress. Unlike jurisdictions with established compensation statutes, Tanzania's legal system does not provide for automatic or accessible remedies for the wrongfully convicted.⁹¹

In the absence of statutory provisions, any compensation awarded is at the discretion of the state or through civil litigation, which can be protracted and uncertain. This reliance on

⁸⁹ Penal Code Cap. 16 [R.E. 2022]

⁹⁰ International Covenant on Civil and Political Rights, 1967

⁹¹ <https://socialprotection-humanrights.org> (Accessed on 25th June, 2025)

discretionary measures fails to guarantee justice for the wrongfully convicted. And beyond financial compensation, the wrongfully convicted often require support services to reintegrate into society. Currently, there are no structured programs in Tanzania to provide psychological counseling, vocational training, or other forms of assistance to aid in their rehabilitation.⁹²

4.3 State Responsibility and Restoration

The state bears the primary responsibility for rectifying the consequences of wrongful convictions. This includes;

4.3.1 Enacting Legislation

Legislation is the foundation of legal redress, without a clear statutory framework, individuals who are wrongfully convicted have no guaranteed right to compensation or structured support. Currently Tanzania lacks a dedicated legal framework to deal with the aftermath of wrongful convictions. This means individuals must rely on civil litigation which is often costly, slow, and not guaranteed to succeed.

So a state should draft and pass a comprehensive law. For example Wrongful Conviction Compensation Act. Which clearly define who is eligible for compensation, Types of compensation available (monetary and non-monetary). And the time limits and procedures for applying, and to ensure the legislation aligns with International obligations example (ICCPR Article 14(6))⁹³. Establish an independent review board or tribunal to assess claims fairly and impartially.

⁹² <https://www.cambridge.org> (Accessed on 25th June, 2025)

⁹³ International Covenant on Civil and Political Rights, 1967

4.3.2 Establishing support mechanism

A person released after wrongful imprisonment often re-enters society emotionally scarred, socially isolated, and economically disadvantaged. Merely releasing them without support leaves them vulnerable to homelessness, unemployment, and further trauma. In Tanzania there are no formal rehabilitation or reintegration programs for wrongfully convicted individuals. Once acquitted, they are left to fend for themselves with no official assistance.⁹⁴

So a state shall create institution or programs dedicated in assisting the wrongful convicted in their reintegration to include psychological counseling and vocational training.

4.3.3 Ensuring access to justice

Access to justice is not just about being acquitted. It's about having the means and support to pursue remedies and assert one's rights after being wrongfully convicted. So the state shall be able in facilitating legal aid and simplifying processes to make compensation claims more accessible.

To evaluate the laws on governing compensation for the wrongfully convicted person

Wrongful convictions, particularly in sensitive cases like rape, inflict profound harm on individuals, leading to loss of liberty, reputational damage, psychological trauma, and socioeconomic disadvantages. In Tanzania, while the legal system provides mechanisms for compensating victims of crimes, it lacks a comprehensive framework to address the right of individuals wrongfully convicted and later acquitted.

4.4 Criminal Procedure Act (CPA)

The CPA empowers courts to award compensation to victims of crimes. Specifically, Section 348A mandates that courts, upon convicting an individual of a sexual offence, must order

⁹⁴ <https://www.justice.gc.ca> (Accessed on 25th June, 2025)

the convict to pay compensation to the victim. However, the CPA does not provide provisions for compensating individuals who have been wrongfully convicted and later acquitted. While Section 347⁹⁵ allows courts to order compensation from complainants in cases deemed frivolous or vexatious, this is discretionary and limited in scope.

The law it provides a legal framework for criminal proceedings, including provisions for compensation in cases of wrongful convictions, particularly those arising from mistaken identity. However, its application, particularly in cases of wrongful convictions for serious offenses like rape followed by acquittal, reveals significant gaps and challenges that contribute to a lack of effective compensation.

The CPA includes provisions for compensating individuals wrongfully convicted due to mistaken identity as outlined in Section 61(1) Where it is established on evidence that a person has been convicted on a mistaken identification as a result of which he is prosecuted punished or he suffers any loss or injury, that person or his legal representative if that person dies shall be entitled to such reasonable compensation as if he were a victim of crime⁹⁶.

Section 61(2) the compensation payable under this section and all other matters to be followed regarding the amount of compensation, its assessment and manner of payment shall be governed by section 37 This section generally empowers courts to order compensation to victims of crimes but does not provide specific guidelines for assessing or administering compensation in cases of wrongful conviction⁹⁷.

As in the case of *Furaha Michael v Republic [2025] CA 286 (TLR)*

The appellant was charged and convicted of rape. He was sentenced to 30 years imprisonment and ordered to pay compensation to the victim of shillings 300,000 upon

⁹⁵ Criminal Procedure Act, Cap 20 R.E 2022

⁹⁶ Criminal Procedure Act, Cap 20 R.E 2022

⁹⁷ *Ibid*

completion of his sentence. His first appeal was unsuccessful, so he appealed a second time, claiming that he was not properly identified, breach of criminal procedure and the fact that the court did not allow him to call a defence witness. The Court found no merit in the appeal and upheld the conviction. It applied and followed the case of Selemani Makumba versus R Criminal Appeal, Court of Appeal of Tanzania at Mbeya 1999 (unreported). The Appellate Court considered whether or not the complainant had been raped by the appellant and concludes that “True evidence of rape has to come from the victim, if an adult, that there was penetration and no consent and in the case of any other woman where consent is irrelevant, that there was penetration⁹⁸

4.5 Penal Code

The Penal Code, Cap. 16⁹⁹ of the Laws of Tanzania, is the primary legislation that defines criminal offences and prescribes penalties for those offences in Tanzania. Enacted during the colonial era and amended periodically, the Penal Code establishes the legal framework for criminal justice, including provisions on sexual offences such as rape theft, murder, and assault.

While the Penal Code focuses heavily on prosecution and punishment of offenders, it provides very limited mechanisms for compensating individuals who have been wrongfully prosecuted or convicted; its emphasis is more on punitive justice rather than restorative or corrective justice.¹⁰⁰

⁹⁸ [2025] CA 286 (TLR)

⁹⁹ Penal Code Cap. 16 [R.E. 2022]

¹⁰⁰ *Ibid*

4.6 International Obligations

Tanzania is a signatory to the International Covenant on Civil and Political Rights (ICCPR), which under Article 14(6)¹⁰¹ stipulates that individuals who have suffered punishment due to a miscarriage of justice should be compensated according to law. Despite this obligation, Tanzania has not enacted domestic legislation to operationalize this right, rendering it ineffective in practice.

As emphasized in the case of *Mallya v. United Republic¹⁰² of Tanzania. Application No. 018/2015*, adjudicated by the African Court on Human and Peoples' Rights.

Where the applicant, Mr. Mallya, was convicted of rape at the age of 15 and sentenced to 30 years' imprisonment. He served nearly 16 years before his conviction was overturned.

The African Court determined that Mr. Mallya's rights under the African Charter on Human and Peoples' Rights were violated, particularly his rights to a fair trial and to be tried within a reasonable time. While the Court acknowledged the violations and the harm suffered, it noted that neither party had made detailed submissions on reparations. Consequently, the Court decided to make a ruling on reparations at a later stage.

Despite the acknowledgment of rights violations, the applicant had not received compensation or restorative support at the time of the judgment. Whether compensation have to be measured to cure the problems like tortures and lack of important opportunities. When someone is wrongfully convicted and later acquitted, they often suffer severe consequences, including psychological trauma, loss of opportunities, and social stigma. The objective of compensation should be to address these harms and provide a form of redress for the injustice suffered.

¹⁰¹ International Covenant on Civil and Political Rights, 1967

¹⁰² Application No. 018 (2025).

Legal analysis suggests that compensation should be measured not only in monetary terms but also in terms of restoring dignity, providing rehabilitation, and ensuring reintegration into society. The absence of a structured compensation mechanism in Tanzania means that many individuals who have been wrongfully convicted struggle to rebuild their lives after acquittal.

International legal frameworks, such as Article 14(6)¹⁰³ of the International Covenant on Civil and Political Rights (ICCPR), emphasize the need for states to provide compensation for wrongful convictions. However, Tanzania lacks a clear legal framework to systematically compensate victims of wrongful prosecution and incarceration. This gap in the legal system leaves many individuals without adequate remedies for the injustices they have endured.

The objective of compensation should be to cure the problem by addressing the psychological and financial burdens placed on wrongfully convicted individuals. This includes providing financial restitution, access to mental health support, and opportunities for education and employment to help them reintegrate into society. Without such measures, the effects of wrongful convictions continue to impact individuals long after their acquittal.

¹⁰³ International Covenant on Civil and Political Rights

CHAPTER FIVE

CONCLUSION AND RECOMMENDATION

5.1 Conclusion

The law is created to regulate behavior of human beings for the protection of others and by the Jeremy Bentham's theory of separation of the criminals from the rest of the population, law makers have used it blindly to imprison even minor offences which could have been punished by fine or community work making prisons filled with offenders and wrongly convicted. The mixture makes well trained criminals who create more threat to the society.

The Criminal Procedure Act [Cap 20 R.E 2022]¹⁰⁴ has provided for various issues which are of great essence to determine who is criminally liable and what to be his fate after being found guilty. Wonderful enough in its more than 300 sections only Section 61 provides for compensation of the one wrongly convicted and such is provided insufficiently to only those convicted as a result of mistaken identification especially under the rape actions offences, therefore it is clear that we need to have a law to address the matter as the innocent suffer a lot for crimes they did not commits.

The provisions of Article 13 of the Constitution of United Republic of Tanzania of 1977¹⁰⁵it provide for equality for all human being but this provision have been violated in a sense that

¹⁰⁴ The Criminal Procedure Act [Cap 20 R.E 2022]

¹⁰⁵ The Constitution of United Republic of Tanzania of 1977

compensation to victims who are wrongful convicted not given more concern like other victims.

Many wrongfully convicted people experience long-term difficulties reintegrating into society, therefore there needs be a continued public education in order for communities to provide exonerates the support they need, Also this people had enough of psychological torture while in prison and need not be further condemned by the society and this is more painful to the innocent.

5.2 Recommendation

A critical review of this study shows clearly that compensation and restoration to the victims of miscarriage of justice is possible there only need be a clear cut on who gets what and on what criteria.

The Options Available for the Wrongly Convicted once proven one is wrongly convicted there are various options available which are determined by the legal system one is at. In Tanzania the options are very limited this was due to the politician's views that Tanzania being a young a state needs not have a floodgate of litigations like in the early years of independence there was enactment of laws to avoid compensating the chiefs who were stripped of their powers given by the colonial government¹⁰⁶. So having no law for the compensation of all wrongly convicted is still a problem in Tanzania as per the Criminal Procedure Act¹⁰⁷

These compensation statutes provides uniform compensation to all the wrongly convicted per year in question. This is to all who prove worth the compensation, this method is the most effective and the most compassionate to the wrongly convicted and this lacks in Tanzania leading to injustice.

¹⁰⁶ www.studylaw.com (Accessed on 28th June, 2025)

¹⁰⁷ The Criminal Procedure Act [Cap 20 R.E 2022]

In 2004, The Innocence Protection Act raised the previous amount to 50,000 USD per year one spends in prison which end up to 100,000 USD is one was awaiting death penalty. But to a state like Tanzania is likely the government to hide itself under the umbrella of insufficient funds to pay all exonerates¹⁰⁸.

The Act should make it possible for one to obtain any amount without restrictions and can even be beyond the per capital income average of the country. Calculations are to be on the day one is paid and not the day one he is imprisoned, and that such persons should have an available avenue of redress over and above the existing tort remedies to seek compensation for damages¹⁰⁹.

5.2.1 Forms of Compensation Awarded

A state which cares for its people has to have a support of those who are out of prison to prepare them to live in a society peacefully and keep up with the changes in the society. But with regard to the wrongly convicted more care has to be thought as they have been denied their rights as in *Mohamed Sainyeye v. Republic*¹¹⁰ who was charged with rape and unnatural offence contrary to sections 130(1) (2), 131(1) and 154 of the Penal Code¹¹¹. He was convicted as charged and sentenced to 30 years imprisonment and payment of 10,000 fine by the District court at Arusha two years on appeal was exonerated by the Court of Appeal at Arusha on ground that the PW were not credible especially the complainant Angela Bernard so served time for a crime he did not commit. Monetary compensation should not act as a substitute but on top of other compensations like health care monitoring, payment for psychological treatment, done to the accused person.

¹⁰⁸ The Innocence Protection Act, 2004

¹⁰⁹ Lohr, D. *Wrongfully Convicted Mans Attorney* in the www.huffingtonpost.com (Accessed on 28th June, 2025)

¹¹⁰ Criminal Appeal No 57 of 2010 Court of Appeal at Arusha

¹¹¹ Penal Code, Cap. 16 [R.E. 2022]

The right to be compensated the law has to show clearly that compensation to the wrongly convicted is a right to such person, this will make it easier for the wrongly convicted to claim their compensation.

5.2.2 Things to happen for one to receive compensation

Despite having a right to compensation one still have to adhere to the procedures set before he could be compensated. These procedures could be as follows;

One need to have been convicted by the law courts in Tanzania for the crimes he did not commit or which the prosecution side has failed to prove beyond reasonable doubt but sentence was announced against him., One has to be exonerated or be declared innocent such that his judgment quashed by the law court or after receiving a pardon, One has to initiate a civil suit for compensation by either base his claim on malicious on part of prosecution or simply showing the damage he experienced as to be compensated.

5.2.3 The claims need be against the government as the prosecutors are simply agents to it.

The law court has to announce one worth for compensation and provide decree for how much he should be compensated unless there is law providing for such

Conclusively, the state was designed as to safe guard the life of its people and make sure life in the society is tolerable by the members of the society. In ensuring this succeeds the state is vested with various powers but in use of its powers it should be noted that lives and rights of some individuals are threatened and therefore whenever possible should find a way to remedy the loss occurred.

So long as Tanzania respects the international instruments like ICCPR then there should be no problem whatsoever in the move to start compensate and restore all those wrongly convicted.

The lack of adequate compensation for individuals wrongfully convicted and subsequently acquitted of rape offences in Tanzania, as governed by the Criminal Procedure Act, Chapter 20, constitutes a significant violation of international human rights law, including the International Covenant on Civil and Political Rights (ICCPR), Article 14(6), the African Charter on Human and Peoples' Rights (ACHPR), Article 7, and the UN Basic Principles on the Right to a Remedy and Reparation (2005). The CPA's limitation of compensation to cases of mistaken identity, absence of clear guidelines for assessing damages, and procedural inaccessibility fail to address the profound economic, social, and psychological harms suffered by acquitted individuals, particularly in the context of rape cases carrying severe penalties under the Penal Code, Chapter 16.

These deficiencies not only contravene Tanzania's international and regional obligations but also undermine the fair trial protections guaranteed by the Constitution of Tanzania, 1977, Article 13(6). To rectify this, Tanzania must enact a Wrongful Convictions Compensation Act, 2025, drawing on international models like Ireland's Criminal Procedure Act 1993 and South Africa's Constitution. Such a law would expand eligibility to all miscarriages of justice, provide clear mechanisms for material and non-material damages, and introduce systemic reforms to prevent future wrongful convictions. By aligning with global standards, Tanzania can ensure justice for wrongfully convicted individuals, promote accountability, and restore confidence in its judicial system

BIBLIOGRAPHY

BOOKS

- Barry M, *Wrongful Conviction in Sexual Assault*, Oxford Press, 1st edition, 2020
- Engel. N, Kehl. P, (2005) *United Nation Covenant on Civil and Political Right: Covenant on Civil and Political Rights Commentary, 2nd Edition*,
- Friendly A, Keith A, *Wrongful Conviction, Encyclopaedia of Psychology and Law*. SAGE Publications 2007, pg. 20
- Hellen, B. *Rape in Early England, Law, History and Criticism*
- Huff & Killias, *Wrongful Conviction and Miscarriage of Justice, Causes and Remedies in North America and European Criminal Justice Systems*
- Joseph. S, Schultz. J. & Castan. M, *The International Covenant on Civil and Political Rights. Cases, Materials, and Commentary, 2nd Edition*, Oxford University Press, London; England, (2006)
- Keir, S. *Human Right Manual and Sourcebook for Africa*, British Institute of International and Comparative Law, 2005
- Mukesh, Y. et all, *Compensation and Rehabilitation of Rape Survivors*, a constitutional right, vol. 36 no3, 2014.

Nicky, J.A. & Margaret, P. *The Victomology of a Wrongful Conviction*, Routledge, 2022.

Wojciech, J. & Karolina, K. *Compensation for Wrongful Conviction, A Comparative Perspective*, Routledge 2023.

JOURNALS AND ARTICLES

United Nations Human Rights Office of the High Commissioner Report Core Instrument & Universal Instrument

Nnamdi Azikiwe, University *Journal of International Law and Jurisprudence*, vol11 no 2, 2020

Lohr D, Wrongfully Convicted Mans Attorney in the www.huffingtonpost.com

(Accessed on 28th April, 2025)

Gabriel, V. *Restorative Justice: Promoting Peace and Wellbeing*, 2022

WEBSITES

<https://www.britannica.com>

<https://www.researchgate.net>

<https://www.womenslaw.org>

<https://www.merriam-webster.com>

www.ohchr.org.com

www.fbattorney.co.tz

www.law-cornel.com

<https://www.cambridge.org>

<https://www.justice.gc.ca>

www.studylaw.com

