

Evidence

Burden of proof

Where an individual liberty is at stake, the onus of proof lies on the respondent state for the presumption is in favour of the applicant (*Peter Joseph Chacha v The United Republic of Tanzania*, application 003/2012, judgment, 28 March 2014). However, where the respondent state challenges the allegations made by the application, the applicant bears the burden of proof relating to such allegations (*Abubakari Mohamed v The United Republic of Tanzania* , Merits, Application 007/2013, 3 June 2016, para 99).