

REPARATIONS

Release from prison

Specific or compelling reasons must be present for the Court to order release from prison as a remedy (*Alex Thomas v United Republic of Tanzania*, application 005/2013, judgment, 20 November 2015, para 157; *Mohamed*, para 234). Reopening of the defence case or retrial for a convict having served 20 years of a 30 years sentence would constitute a miscarriage of justice (*Thomas* para 158; *Mohamed*, para 235). The minority judgment (Judges Thompson and Ben Achour) finds that this constitutes specific or compelling reasons which would merit an order to release the applicant (paras 5 and 6). This was also the conclusion of the dissenting opinion of Judge Elsie Thompson (paras 11-19) and that of Judge Rafa Ben Achour (paras 3-9) in *Mohamed*.