

IN THE AFRICAN COURT ON HUMANS AND PEOPLE'S RIGHTS

AT – ARUSHA

APPLICATION NO. 001 OF 2016

C/F COURT OF APPEAL OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO.323 OF 2010

IN THE HIGH COURT OF TANZANIA AT BUKOBA

CRIMINAL APPEAL NO. 58 OF 2000

IN THE DISTRICT COURT OF KARAGWE AT KARAGWE

ORIGINAL CR.CASE NO. 46 OF 2000

BETWEEN

CHRIZOSTOM BENYOMA..... APPLICANT

AND

THE UNITED REPUBLIC OF TANZANIA }RESPONDENT
ATTORNEY GENERAL }

EXECUTIVE SUMMARY OF THE APPLICATION

MADE UNDER RULE 19 OF THE COURT RULES FROM PROVISION NO.17 OF
THE COURT PRACTICE DIRECTIONS

I, the above named applicant request this honourable court of Justice, Humans and people's Rights to allow lodging a memorandum of complaints of violation of Human Rights and justice for the following reasons:-

1. **THAT**, the applicant was convicted and sentenced from the 28.02.2000 to serve life imprisonment in above mentioned original criminal case, then the decision upheld by the High Court on the 28.05.2010 and later the court of appeal rejected the super appeal in it on the 24.11.2011.
2. **THAT**, according to judgment of the court of appeal, the applicant's appeal was heard at his presence. The court had confirmed in the judgment that it has no hesitation to agree with the two lower courts that all the essential ingredients of the offence were explained to the applicant as appellant, facts were read over and he admitted them and was duly conviction.
3. **THAT**, the court of appeal was proceeded by faulting firstly the first appellate court (High court) to find that plea of guilty of the applicant in the trial court was unequivocal and then proceeded to hear the appeal on merits. Thus it decided was erroneous.

4. THAT, on strange procedure the court of appeal had gone to the same procedure of the High court by hearing the appeal before making conclusion of rejecting it summarily on ground that it was satisfied that the appeal had been lodged without sufficient ground of complaint.
5. THAT, in the above circumstance the procedure of the court was isolated the applicant contrary article 3(1) of the African charter which needs every individual to be equal before the law and article 3(2) of the charter of the court which required every individual to be entitled to equal protection of law.
6. THAT, although the applicant has lodged on the 11.02.2013 in the court of appeal (T) Bukoba an application registered as cr.application no.11 of 2013 to review its judgment under rule 66 of its Rules, the application is still neither heard nor listed for hearing while some other applications had been heard though they were registered after it in the same Registry.
7. THAT, as the applicant was/has no legal representative, his right to be heard was/is deprived leading to deprived leading to prejudice. This position has violated the fundamental rights of the charter of the court contrary to article 7(1)(c) 8(d) same as article 13(6)(a) and 107A(2)(b) of the constitution of the united Republic of Tanzania 1977.
8. THAT, the applicant humbly begs this court to re-store justice where it was overlooked and quash both conviction and sentence imposed upon him and set him at liberty.
9. THAT, the applicant wishes to be granted reparation pursuant to article 27(1) of the protocol of the court on other side the court may grant any other order (s) or relief (s) sought that may deem fit in the circumstance of the complaint.
10. THAT, the application is intended to be supported by a submission and accompanied by other documents.

This Executive summary has been prepared by me, the applicant at Butimba central prison at Mwanza and signed by I my-self this 08TH day of DECEMBER 2015.....



(RTP).....

APPLICANT

CERTIFICATION: I, hereby certify this Executive summary has been prepared by the applicant himself and endorsed before me on this 08TH day of DECEMBER 2015.

(SGD) Abubaki INSP

For. OFFICER INCHARGE
BUTIMBA CENTRAL PRISON
MWANZA, TANZANIA

KALEF. MKUU WA GEREZA
BUTIMBA MW NZA

Lodged at the Registry office of the African court on Humans and People's Rights
P.O. BOX 6274, ARUSHA – TANZANIA

This day of 20

(SGD)

REGISTRAR OF THE COURT
(ACHPR)

DRAWN AND FILED BY:

CHRISTOM BENYOMA / APPLICANT
C/O OFFICER INCHARGE
BUTIMBA CENTRAL PRISON
P.O. BOX 38,
MWANZA, TANZANIA



08/12/15

SERVED UPON:

THE UNITED REPUBLIC OF TANZANIA } RESPONDENT
ATTORNEY GENERAL'S CHAMBERS }
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DAR-ES-SALAAM, TANZANIA