

IN THE AFRICAN COURT OF HUMANS AND PEOPLE'S RIGHTS

AT ARUSHA

APPLICATION NO..... OF

C/F COURT OF APPEAL OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO. 67 OF 2003

IN THE HIGH COURT OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO. 02 OF 2002

IN THE DISTRICT COURT OF TARIME AT TARIME

ORIGINAL CRIMINAL CASE NO. 169 OF 2001

BETWEEN

1. WEREMA WANGOKO WEREMA }
2. WAISIRI WANGOKO WEREMA } APPLICANTS

AND

THE UNITED REPUBLIC OF TANZANIA }
ATTORNEY GENERAL } RESPONDENT

EXECUTIVE SUMMARY OF APPLICATION

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

We, the above named applicants, submit to this honourable Court this executive summary of our application as follows:-

01. That, in the above mentioned criminal case; we were convicted and sentenced to thirty years imprisonment from 30th day of November, 2001. Later on, the decision upheld in our both, appeals above named on 09/10/2002 in the High Court and on 01/03/2006 in the Court of Appeal.

02. That, as all the three Court's judgments were aggrieved us, thus we lodged an application for review the Court of Appeal judgment as it has manifest error on

the face of the Court record resulting in the miscarriage of justice. The application was struck out by the Court on 19/03/2015 for reason of filing it out of time prescribed by the law.

03. That, we are convinced by consultant that instead of applying an application for extension of the time for the review to apply to this Court which will consider a fact that were convicted by the sole incriminating evidence against us namely visual identification which was perjured, concocted and privy as the victim was contradicted in his evidence. Hence, later observed his invaders instead of us in view of the unfolding truth from the commission for Human Rights and Good Governance.

04. That, as it had observed that we were convicted for mistake of others, this act was/is contrary Article 3 (1) and (2) of the African Charter which need every individual to be equal before the law and to be entitled to equal protection of the law. So the Court of Appeal was required not only to use the law but also to comply Article 107 (A) 2 (c) and (e) of the Country Constitution (1977) for allowing the appeal as the victim later paid by his invaders a compensation under local authority.

05. That, according to above noted circumstances; in fact we were insolated on the procedure and decision of the Courts. Thus, the Court's act is violating our fundamental rights which is needed to be served pursuant to Article 27 (1) of the protocol of the Court and Rule 34 (5) of the Court Rules in order to rectify the violation.

06. That, we humbly beg that, this Court to re-store justice where it was overlooked and quash both conviction and sentence imposed upon us and set us at liberty.

07. That, on other side, this Court may grant any other order(s) or relief(s) that may deem fit in the circumstances of the complaint.

08. That, the application is intended to be supported by a submission accompanied by proceedings and judgments of the Courts with other exhibit documents.

VERIFICATION:- We hereby verify that this executive summary of our application has been prepared by our self and signed by us this 14TH day of SEPTEMBER 2015.....

(RTP).....


(RTP).....


(RTP).....

APPLICANTS

CERTIFICATION:- Hereby certified that this executive summary of the application has been prepared and signed before me this ^{14th} day of SEPTEMBER 2015.....

(Sgd) Atkaiwa SP

**FOR OFFICER INCHARGE
BUTIMBA CENTRAL PRISON**

**M. M. MKUU WA GEREZA
BUTIMBA MW NZA**

Lodged at the Registry Office of the African Court on Humans and Peoples rights, P. O. Box 6274, Arusha Tanzania, this day of 20.....

(Sgd)

**REGISTRAR OF THE COURT
(ACHPR)**

SERVED UPON:

The Respondent
Attorney General Chambers,
P. O. Box 11492
DAR ES SALAAM, TANZANIA.

DRAWN AND FILED BY:

1. Werema Wangoko Werema
 2. Waisiri Wangoko Werema
C/O Officer Incharge
- } Applicants
14/09/15
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