

IN THE AFRICAN COURT OF HUMANS AND PEOPLE'S RIGHTS

AT ARUSHA

APPLICATION NO. 027 OF 2015

C/F COURT OF APPEAL OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO.124 OF 2009

IN THE HIGH COURT OF TANZANIA AT

CRIMINAL APPEAL NO. 43 OF 2006

IN THE DISTRICT COURT OF NGARA AT NGARA

ORIGINAL CR.CASE NO. 155 OF 2005

BETWEEN

MINANI EVARIST 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, Human and people's Right to allow lodging a memorandum of complaint of violation of Human rights and justice for the following reasons:-

1. **THAT**, the applicant was convicted and sentenced from the 30/03/2006 to serve in jail thirty years in above mentioned original case, then the decision upheld in the above noted criminal appeals:-
2. **THAT**, the judgment of the court of appeal which had been pronounced on the 16/02/2012 was procured by err against the applicant and prejudiced to make review of it by the court of appeal where is not listing for hearing.
3. **THAT**, the applicant as appellant in the super appeal was submitted memorandum of appeal and it's addition within both several grounds. on hearing of the appeal had argued all the grounds with supporting of presentive of the respondent.

4. THAT, according to a copy of the judgment, the court of appeal had not considered all the grounds then combined them to tree grounds. This procedure of the court had isolated the applicant as it was violating the fundamental right of being heard in the court law as required by article 3(2) of the charter of the court.
5. THAT, although the applicant has lodged on the 19/08/2014 in the court of appeal at Bukoba an application for review, the application still not listed for hearing while some other applications had been heard though they were registered after it in the same Registry.
6. THAT, as the applicant was/has no legal representative, his right to be heard were/are deprived leading to prejudice. This position has violating the fundamental rights of the charter of the court contrary to article 7(1)(c) 8(d) same as article 1 and 107 A (2) (b) of the country constitution 1977.
7. THAT, the applicant humbly begs that, this court to re-store justice where it was overlooked and quash both conviction and sentence imposed upon him and set him at liberty.
8. THAT, the applicant herein above on his own behalf wish to be granted reparation pursuant to article 27(1) of the protocol of the court.
9. THAT, this 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 of complaints of violation of Human Rights and justice accompanied with a copy of the judgment of the court of appeal.

This Executive summary has been prepared by me the applicant at Butimba central prison in Mwanza and signed by I my-self this^{29th} day of
.....^{SEPTEMBER} 20¹⁵.....



(RTP).....

APPLICANT

CERTIFICATION: I, hereby certify this Executive summary has been prepared by the applicant himself and endorsed before me on this 29TH day of SEPTEMBER 20 15

(SGD) [Signature]

For. OFFICER-IN-CHARGE
BUTIMBA CENTRAL PRISON
P.O. BOX 38,
MWANZA, TANZANIA

**AL. J. MKUU WA CEREZA
BUTIMBA MW NZA**

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

This day of 20

(SGD)
REGISTRAR OF THE COURT
(ACHPR)

SERVED UPON:

THE REPUBLIC OF TANZANIA } RESPONDENT
ATTORNEY GENERAL CHAMBERS }
P.O. BOX 11492
DAR-ES-SALAAM, TANZANIA

DRAWN AND LODGED BY:

MINANI EVARIST
C/O OI/c BUTIMBA CENTRAL PRISON
P.O. BOX 38,
MWANZA.

[Fingerprint] APPLICANT
29/09/15