

IN THE AFRICAN COURT ON HUMANS AND PEOPLE'S RIGHTS

AT – ARUSHA

APPLICATION NO. 032 OF 2015

C/F COURT OF APPEAL OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO.182 OF 2010

IN THE HIGH COURT OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO.445 OF 2005

IN THE DISTRICT COURT OF TARIME AT TARIME

ORIGINAL CR. CASE NO. 213 OF 2004

BETWEEN

KIJIJI ISIAGA ..... 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 on Human and people's Rights 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 18.10.2004 with his co – accused, Birahi Nyankongo to serve in jail thirty years and twelve strokes each one in above mentioned original case, then the decision upheld in the above noted criminal appeals against me and my co – appellant in the appeals.
2. **THAT**, the Judgment of the court of Appeal which had been pronounced on the 19.09.2012 by the court, within some errors patent in the record of the court from the trial which resulted to miscarriage of justice as claiming in the two following grounds.

3. **THAT**, the prosecution witnesses were not established all elementary factors for visual identification of the applicant albeit the circumstances at locus criminals. Thus, the court were incurably erred in law and in facts of the case by relying wholly on the evidence of recognition to convict the applicant.
4. **THAT**, the alleged stolen things which were tendered in the trial court as exhibits were not possessed by the applicant. So the court were grossly misdirected to apply the doctrine of recent possession against the applicant while the exhibits were alleged in the trial had possessed by his co – accused.
5. **THAT**, the decisions of the court were violating the fundamental rights of the charter of the court under Article 3(2) which required every individual to be entitled to equal protection of the law.
6. **THAT**, the applicants 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.
7. **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.
8. **THAT**, this court may grant any other order(s) sought that may deem fit in the circumstances of the complaints.
9. **THAT**, the application is intended to be supported by a written submission of complaints accompanied by a copy of record of the court.

This Executive summary had been prepared by me, the applicant at Butimba central prison at Mwanza and signed by me my-self this .....<sup>03RD</sup> day of NOVEMBER 2015.....



(RTP).....

**APPLICANT**

**CERTIFICATION:** I, hereby certify this Executive summary has been prepared by the applicant himself and endorsed before me on this 3<sup>RD</sup> day of NOVEMBER 20 15

(SGD) Abudi INSP

For. OFFICER INCHARGE  
BUTIMBA CENTRAL PRISON

MWANZA, TANZANIA  
K.I. MKUU WA CEREZA  
BUTIMBA MWANZA

Lodged at the 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 UNITED REPUBLIC OF TANZANIA } ..... RESPONDENT  
ATTORNEY GENERAL'S CHAMBERS }  
P.O. BOX 11492  
DAR-ES-SALAAM, TANZANIA

**DRAWN AND LODGED BY:**

KIJIJI ISIAGA  
C/O OFFICER INCHARGE  
BUTIMBA CENTRAL PRISON  
P.O. BOX 38,  
MWANZA, TANZANIA

 / ..... APPLICANT  
03/11/15