

EXECUTIVE SUMMARY

FACTS

1. That it's a fact that the applicants were not equally protected within the law.
2. That it's a fact that the Applicants were not equally before the law.
3. That it's a fact that the Applicants were denied the rights to be informed of their rights by the Respondent state.
4. That it's a fact that the Applicants were denied of their rights by the Respondent state when as the provisions of law that was meant to protect them was never adhered to.

Nature of Complaint

5. That the Respondent state violated the Applicants rights when they were denied the right to be heard and opt to consent or object to the tendering of the alleged caution statements thus was contrary to the precedent and principle laid down by the Highest Court in the land in Tanzania, as can be seen in the case law by the same Court in annexure.
6. That the 1st Applicant's caution statement was taken illegally as it was outside mandatory provisions of law.

EVIDENCE OF EXHAUSTION OF LOCAL REMEDIES

1. That upon the conviction of the Applicants by the Respondent state the Applicants opted for appeal against the sentence and conviction in the Highest Court in the land, which was dismissed as it can be seen in Annexure.
2. That the Applicants again opted for REVIEW in the same Court and filed their Notice for Review on.
3. That the Applicant Review is still pending at the Highest Court in the land despite there no any communication or receipt of acknowledgment of the same.
4. That the Applicants are notifying this Honourable Court that there's a decision from the Highest Court pertaining to Review being not an automatic right to the applicants but lies under the discretion of the Court to grant, as it can be seen in Annexure.
5. That the applicants have exhausted all local Remedies

VIOLATIONS

1. That the Respondent state violated the 1st Applicants rights and subjected him to torture when his caution statement was taken out of mandatory time of 4hours
2. That the 2nd Applicant and 3rd Applicant were not given opportunity to comment on the caution statements.
3. That for the Police officers playing the role of being investigators, arresting and statement officers at the same time made their conduct to be partial as it violated and denied the Applicants their rights to equality before the law, and entitlement to equal protection of the law.

That the Respondent state failed to adhere to the African charter on Human and Peoples Rights and violated Article 1, Article 2, Article 3, Article 4, Article 5, Article 7, and Article 9 of the charter.

ADMISSIBILITY

1. That by Respondent's state respectively by signing and duly ratifying the protocol and African charter on Human and Peoples' Rights hence the applicants meeting the stipulated provisions of admissibility, then the applicant are squarely and properly before the court.

REMEDY

2. That the applicants are seeking this Honourable court to enforce and restore all denied and violated rights by, the Respondent's state.
3. That the applicants are seeking this Honourable Court to recover all denied rights by respondent's state.
4. That the applicants are seeking this Honourable Court to redress all the wrong caused to the applicants by the respondent state.
5. That the applicants are seeking this Honourable Court for a legal equitable relief.
6. And any other orders the Court may deem fit to grant.

INTENDED EVIDENCE TO BE ADDUCED

(Pursuant to Rule 34 of Court Rules)

1. The Applicants will together adduce the following evidence in support of the complaints
2. That proceedings of Applicants at the High Court of Tanzania at Dar es Salaam Criminal session Case No. 28 of 2008, between IBRAHIM YUSUPH CALIST and 7 others and the Republic - Respondent as (Annexure- A1)
3. Applicant judgment of the Court of Appeal of Tanzania at Dar es Salaam, Criminal Appeal No. 204 of 2011, between IBRAHIM YUSUPH CALIST@BONGE and other and the Republic/ Respondent as (Annexure-A2)
4. Applicants application Notice for Review at the Court of Appeal of Tanzania (Annexure-A3)

CASE LAWS IN SUPPORT OF THE EVIDENCE

1. Judgement of the Court of Appeal in Criminal Appeal No. 253 of 2012, between ABUBAKARI HAMISI and STEPHENE FOCUS and The Republic/ Respondent (Annexure A4)
2. Judgement of the Court of Appeal in Criminal Appeal No. 95 of 2006, between JANTA JOSEPH KOMBA and 3 others and The Republic/Respondent, as (Annexure-A5)

This application has been prepared by the Applicants themselves at Ukonga Central Prison at Dar es Salaam

P.O Box 9091, Tanzania.

This 15 day of May 2015



"....."

1st APPLICANT

IBRAHIM YUSUPH CALIST@BONGE



"....."

2nd APPLICANT

RAJABU MOHAMMED SALUM@MSOLONGANI



"....."

3rd APPLICANT

SIMBA ALOYCE SIMBA@HATIBU

CERTIFICATION:

I hereby certify this application that has been prepared by the applicants themselves and endorsed before me on this 13th day of May 2015

[Handwritten signature]
"....."

OFFICER IN-CHARGE OF UKONGA
CENTRAL PRISON
TANZANIA

**MKUU WA GEREZA
GEREZA WA UKONGA
DAS - ES - SALAMA**

Lodged at the registrar's office of the African Court on Human and Peoples' Rights.

P.O Box 6274
ARUSHA
TANZANIA,

This Day of 20

"....."

(Signature)

REGISTRAR OF THE COURT