

IN THE AFRICAN COURT OF HUMAN AND PEOPLE RIGHT

AT ARUSHA

APPLICATION NO. ~~010~~ OF 2016

C/F COURT OF APPEAL OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO 178 OF 2014

IN THE HIGH COURT OF TANZANIA AT MWANZA

CRIMINAL APPEAL NO 5 OF 2003

IN CONSIDERATION WITH CR APPEAL NO 4, 6,7,AND 8 OF 2003

IN THE DISTICT COURT OF MUSOMA AT MUSOMA

ORIGINAL CR. CASE NO 36 OF 2001

BETWEEN

HAMAD MOHAMED LYAMBA KA.....APPLICANT

AND

THE REPUBLIC OF TANZANIA  
ATTORNEY GENERAL

} .....RESPONDENT

EXECUTIVE SUMMARY OF THE APPLICATION

MADE UNDER RULE 19 OF THE ~~COURT RULES FROM PROVISION NO~~ AND 19 OF THE  
COURT PRACTICE DIRECTION

I, The above named applicant requests this honourable Court of justice, Human and peoples' 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 16.07.2002 to serve in jail thirty years and life imprisonment in above mentioned original Case, then the decision upheld in the above noted Criminal appeals against the applicant and four others who were afore co- accused and then co- appellants in the Court.
2. **THAT**, the judgment of the Court of Appeal which had been pronounced on the 16/3/2007 was procured by err against the applicant where the Court had not evaluated the evidence of the prosecution side widely
3. **THAT**, the applicant as appellant in the super appeal had submitted memorandum of appeal and its 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 judgment, the Court of Appeal had not considered all the grounds then combined them to (8) grounds. This procedure of the Court had insolated the applicant as it was Violating the fundamental right of being heard in the Court of law as required by article 3 (2) of the charter of the Court.
5. **THAT**, as the applicant was/were no legal representative, his right to be head were/are deprived leading to prejudice. This position has violated the fundamental rights of the charter of the Court Contrary to article 7(1)© same as article 1 and 107 A (2)(b) of the constitution of the united republic of Tanzania, 1977.
6. **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.
7. **THAT**, the applicant herein above on his own behalf wish to be granted reparation pursuant to article 27 (i) of the protocol of the Court.
8. **THAT**, this Court may grant any other order(s) or relief(s) sought that may deem fit in the circumstance of complaint.
9. **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 at Mwanza and signed by me my self.

Dated at Mwanza this 04<sup>th</sup> ..... day of FEBRUARY 2016

(RPT).....

APPLICANT

**CERTIFICATION:** I hereby certify this Executive summary has been prepared by the applicant himself and endorsed before me on this 04<sup>th</sup> ..... day of FEBRUARY 2016

(SGD).....

FOR: OFFICER -IN- INCHARGE

BUTIMBA CENTRAL PRISON

K.M.L. MKUU WA CEFZA

BUTIMBA MW NZA

Lodged at the Registry Office of the Africa Court of Humans and peoples' rights,  
P.O BOX 6274 ARUSHA - TANZANIA This.....day of .....20.....

(SGD).....

REGISTRAR OF THE COURT

(HCCHPR)

Drawn and Filed by:

04th - 02 - 2016

Hamad Mohamed LYAMBAKA .....APPLICANT  
C/O O I/C BUTIMBA CENTRAL PRISON,  
P.O. Box 38,  
MWANZA.

To be Served Upon:

THE UNITED REPUBLIC OF TANZANIA.....RESPONDENT  
AG'S CHAMBERS  
P.O. Box 11492,  
DAR ES SALAAM - TANZANIA.